

# Social Tenant Access to Information Requirements

Operational guidance for  
registered providers



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**NATIONAL  
HOUSING  
FEDERATION**

# List of defined terms

- **STAIRs** – Social Tenant Access to Information Requirements.
- **Policy Statement** – the document issued by MHCLG on 30 September 2025 setting out the requirements that private registered providers must meet to provide social housing tenants with access to information related to the management of social housing (STAIRs).
- **PRP** – private registered provider of social housing.
- **RSH** – Regulator of Social Housing.
- **MHCLG** – Ministry of Housing, Communities and Local Government.
- **HOS** – Housing Ombudsman Service.
- **Ti&A Standard** – Transparency, Influence and Accountability Standard as issued by the RSH.
- **ICO** – Information Commissioner’s Office.
- **DPO** – Data Protection Officer.
- **FCA** – Financial Conduct Authority.
- **DSAR** – Data Subject Access Request.
- **FOI / FOIA** – Freedom of Information/Freedom of Information Act.
- **DPA** – Data Protection Act.
- **UK GDPR** – the retained EU law version of the General Data Protection Regulation.
- **MAPPA** – Multi Agency Public Protection Arrangements.
- **ASB** – Anti Social Behaviour.



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# Introduction

This guidance has been prepared by the team at Anthony Collins Solicitors LLP, led by Head of Data Governance, Ben Pumphrey, and commissioned by the National Housing Federation (NHF). The aim of this guidance is to support private registered providers (PRPs) in England to implement the requirements of the STAIRs [Policy Statement](#). It is not a legal document and does not have the force of law. It is designed as a tool to support providers with interpreting the requirements of the Policy Statement, which itself is not a legal document, but which sets out the requirements enabling tenants to access the information they need about how their services are provided. The guidance is intended to offer practical advice and assistance as to how the aims of the Policy Statement should be implemented, for the benefit of both PRPs and tenants.

Many providers already publish significant amounts of information and have bespoke processes in place to respond to requests for information, in line with the Regulator of Social Housing's Transparency, Influence and Accountability Standard (TI&A Standard). Those providers that have set up systems and processes to deliver the requirements of the existing standard should not find the changes under Chapter 1 of the Policy Statement to be a significant advancement over and above their existing practices. However, the requirements set out in Chapter 2 may require a greater degree of internal process change, which this guidance seeks to address.

The structure of this guidance mirrors the two Chapters of the Policy Statement relating to the implementation of the Publication Scheme from 1 October 2026 and information requests from 1 April 2027. The guidance is intended to be accessible for anyone in an assurance or governance role within a PRP but will be particularly relevant to information or data leads, data protection officers and those with responsibility for handling complaints.

The guidance also contains a model publication scheme at Appendix 1 and a model Access to Information (STAIRs) Policy at Appendix 2. We have included a version of the policy at Appendix 3 for tenants who may require a more accessible, plain English explanation of STAIRs. A list of FOI exemptions which may be relevant for the purposes of considering the reasonableness test and whether to withhold or redact information (as applicable under Chapters 1 and 2 of STAIRs) is included at Appendix 4. Finally, we have also included a flowchart which may help when considering your decision-making processes under STAIRs at Appendix 5.

There are several aspects of this guidance where recommendations or a suggested approach to compliance is presented in the absence of any specific guidance on those points within the Policy Statement. These are best practice recommendations based on our experience as information law specialists and on the comments and experience of members of the advisory working group that helped develop this guidance. They do not have the force of law and are offered as recommended guidance only. This guidance will be subject to further review and revision once STAIRs has come into force and in response to future decisions or reports published by the Housing Ombudsman Service (HOS), flowing from their handling of casework once Chapter 2 of STAIRs has come into effect.

We would like to thank the Housing Ombudsman Service, the Ministry of Housing, Communities and Local Government and the Regulator of Social Housing for reviewing this operational guidance.

We would also like to thank members of the STAIRs working group who have provided key insights and comments on early drafts of this operational guidance. They are:

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# Chapter 1:

## Your publication scheme

STAIRs implements a requirement for PRPs in England to proactively publish certain classes of information about their activities that relate to the management of their social housing. The STAIRs Policy Statement does not contain a model publication scheme, however, the requirements set out in the Policy Statement and classes of information published in Table 1 broadly mirror the model publication scheme published by the ICO for public authorities under FOIA. Both the Policy Statement and the ICO's model scheme set out – at a relatively high level – a relevant organisation's commitment to transparency and the proactive publication of relevant information. By taking a proactive approach, the expectation is that this may reduce the number of information requests a provider may receive once Chapter 2 comes into force.

### A. What are the essential requirements of the STAIRs publication scheme?

The STAIRs publication scheme requires PRPs to proactively publish or otherwise routinely make available the types of information listed within the seven broad classes of information listed in Table 1 of Chapter 1 of the Policy Statement. These classes of information take a thematic approach to categories of information held by providers insofar as they relate to the PRP's management of its social housing function.

The Policy Statement does not provide a more in-depth list as to the types of documents which come within each of the classes of information. Its high-level approach aims to strike a balance between clarity and flexibility for providers as to what they ought to publish. At Appendix 1 we have included a template publication scheme which sets out a more detailed list of documents for PRPs to consider making available as part of their own publication scheme. Providers may also wish to consider adopting this list as part of their policy on STAIRs so that tenants can readily identify what types of documents their provider will publish under each of the classes of information. It is important to appreciate this is not an exhaustive list and the Policy Statement emphasises that providers should proactively and widely consider what relevant information they hold, and work with tenants to understand their priorities when developing a publication scheme.

### B. How should PRPs best prepare for the introduction of the publication scheme?

Six key steps to effective preparation and implementation of your publication scheme must include:

#### 1. Know your data

It will be crucial for providers to audit their existing documentation so that they can assess how the information currently held aligns with the classes of information listed in the Policy Statement. Your Information Asset Register and Records Retention Schedule are key documents which should be of assistance here and should be referred to at an early stage.

By producing the model publication scheme at Appendix 1, we have attempted to provide more detailed guidance as to the types of documents which should appear within each of the classes of information in Table 1. Providers may wish to use this list to identify gaps where information may be held but is not yet publicly available. It may also assist providers to document any information which may be earmarked for future publication, as well as to identify information which may be out of scope of the scheme.

Your Information Asset Register should be reviewed to identify and prioritise those categories of documents which may come within the scope of the classes within Table 1. Once you have identified those categories of documents within scope you may need to review those documents to identify any material which may need to be redacted (see Section D. below).

You may also need to consider any new types of document created by any of your teams within your organisation as to whether it comes within scope.

Within the model publication scheme at Appendix 1 we have also provided some suggested categories of information that may be out of scope of Table 1. We have tried not to be too prescriptive as the specific types of documents which may fall out of scope may vary depending on your organisation. However, you may hold information which does not fall within the scope of the scheme. The categories proposed here are intended as a guide to help identify types of documents which may not need to be published. Providers should remain mindful of the principal duty behind STAIRs to publish information that you hold and that falls within the scope of the scheme.

## **2. Make tenants aware of the scheme**

You should be working with your tenant liaison teams now to highlight the introduction of your STAIRs publication scheme from October 2026, and to make them aware of the new requirements and how they may submit information requests from April 2027. You may also wish to involve tenants in the design of your publication scheme and your process for making requests. Tenants will also need to be aware how they can request reviews under both Chapters of STAIRs and to escalate any complaint to HOS if they are not satisfied with the review response. You may find the plain English version of the model STAIRs policy at Appendix 3 useful here.

## **3. Organise your webpage**

Much of the information listed in Appendix 1 may already be published on your website. However, you may consider whether it would be helpful to revise your webpages so that your content is clearly set out under the STAIRs classes of information – for example, by using a separate STAIRs “portal” or “one stop shop” for any STAIRs related information.

## **4. Appoint a STAIRs champion**

As STAIRs is intended to be aligned with freedom of information and data protection laws, you will need to identify and appoint a key person to review documents and make recommendations as to whether certain documents may be published or may need to be redacted prior to publication. This may be your DPO or other information governance lead. It will be crucial for this individual to have sufficient experience, training and support to be able to understand freedom of information and data protection law principles and how they apply within a STAIRs context.

## **5. Create a process for assessing your information prior to publication**

You will need to create new standard operating procedures for identifying relevant information for publication with clear timelines. Documents held within each of your teams will need to be classified as per step 1. above. Teams across your business will need to ensure that relevant information is provided to your STAIRs team routinely and on a timely basis and published information is periodically reviewed to ensure that your publication scheme is kept up to date. It will be useful for key individuals within teams across your business to receive training on STAIRs to be able to identify relevant information within scope and to provide this in a timely way to your STAIRs team responsible for managing your publication scheme. You should also consider recording your decisions regarding publication, particularly where you consider that the information is likely to be out of scope. We would suggest that these are recorded in your Information Asset Register or other similar document.

## **6. Ensure tenants can request a review**

Tenants will be able to seek a review under Chapter 1 of the Policy Statement where they consider that you hold information that falls within the scope of the publication scheme and has not been made available. Providers will need to ensure that their process for seeking a review is up and running in line with the introduction of the publication scheme from 1 October 2026. Further details on the requirements for internal reviews and complaints are set out within Chapter 3 of this guidance.

## C. What kind of information held by PRPs may be outside the scope of the publication scheme?

As a starting point, providers should take an open and transparent approach to publication, and seek to be as proactive as possible when considering documents that fall within the scope of their publication scheme. However, there may be a limited number of scenarios where you hold documents which fall outside the scope of your organisation's scheme, including:

### 1. Matters determined by local authorities

The STAIRs Policy Statement explicitly confirms that matters decided by local authorities are outside the obligation to disclose. Examples may include:

- Allocation decisions managed by the local authority rather than the housing association.
- Homelessness assessments.
- Housing benefit or council tax-related decisions.
- Injunctions to prevent ASB or MAPPA arrangements.

### 2. Information not related to the PRP's social housing functions

STAIRs does **not** apply to information about property or services that are not part of the provider's social housing function.

Examples of "non social housing function" information that would be outside scope include:

- Service charges or other information relating to market-rent homes.
- Commercial lease management.

Examples of "non social housing function" information that would be outside scope include:

- Leasehold properties.
- Shared ownership arrangements with the owner owning 100% of the property equity.
- Shops.
- Offices.

### 3. Wider activities unconnected to social housing management

If a provider undertakes other activities that are not part of its role as a social housing provider, information about these activities is typically outside scope.

Examples include:

- Group level commercial ventures.
- Activities of subsidiaries not engaged in social housing management (e.g. community or tenant engagement teams where activities are unrelated to social housing management).
- Care and support service contracts delivered on behalf of local authorities.

However, information related to mergers may come within the scope of STAIRs insofar as it relates to the transfer of existing housing, although records of confidential discussions or commercially sensitive merger negotiations may be examples of documents which providers consider should be redacted in line with paragraph 4 of the Policy Statement.

## D. Out of scope information – how should PRPs decide whether or not information falls outside the scope of the publication scheme?

As well as considering the categories of documents which fall outside the scope of the publication scheme, providers should also consider the following points.

### 1. No requirement to create new information

The Policy Statement makes it clear that providers are not required to create new records to comply with the publication scheme requirements.

### 2. No requirement to publish draft or older versions of documents

Although not explicitly clear within the Policy Statement, we consider that providers may not be required to proactively publish documents in draft form or working documents for internal discussions and development of plans.

In addition, we would not expect providers to have to publish notes or older versions of documents that have been superseded, emails or other correspondence. Archived material may also be out of scope.

### 3. Reasonableness test to apply when considering redacting documents

Providers may be able to redact information that falls within the scope of the scheme where "appropriate and reasonable" to do so.

Providers are directed to the reasonableness test in paragraphs 14 -17 of Chapter 2 of the Policy Statement when considering redactions. In our view, it may be reasonable to withhold a document which is in scope from publication where you consider that, applying the reasonableness test, it is necessary for the whole of the document to be redacted. Or, it may not otherwise be reasonable in all of the circumstances to routinely publish parts of documents in a redacted form – for example, where the extent of the redactions is such that the document no longer has any value and should be withheld. When applying redactions, providers will need to carefully consider the extent to which those redactions are necessary and meet the threshold of “reasonableness”. Context may be key here to determine whether or not any of the information contained within the document should be disclosed. However, providers should be mindful at all times that the balance should be in favour of disclosure unless it’s reasonable to redact.

We refer readers to our section on the reasonableness test at page 17 of this guidance for further information.

When considering any complaint in relation to a provider’s publication scheme, the Ombudsman is likely to consider what is reasonable and fair in all the circumstances of the case. Providers should record their reasons when considering those documents which may be out of scope or require redactions in case of any complaint to the Ombudsman. It may be useful to record this in your Information Asset Register or other similar document.

## E. Practical steps prior to publication

Although providers are not required to create new records, they will need to:

- i. Publish information in a format which is easily identified and accessed by tenants.
- ii. Consider what information may need to be redacted prior to publication.
- iii. Support tenants in helping them understand the information provided to them.

Effectively, this means that all information which may be appropriate to publish should be reviewed to ensure that it can be provided in a way that is meaningful for tenants.

**What does “easily identified and accessed” mean? What extra steps might I be required to take to assist tenants?**

STAIRs requires that tenants should be made aware of the publication scheme so that they are able to easily

identify and access information. For most PRPs this may be achieved through making the information available via your website. More broadly, all providers are required to comply with the accessibility requirements under the TIGA Standard, which require providers to:

“understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs”<sup>1</sup> and to ensure that “communication with and information for tenants is clear, accessible, relevant, timely and appropriate to the diverse needs of tenants”.<sup>2</sup>

It may be the case that tenants (or their representatives) request that published information be provided in an alternative format. They may ask for a copy of the information, or an opportunity to inspect the information, or perhaps a digest or summary of the information. Providing a digest or summary of published information does not mean that a provider would be expected to create new information to answer a request – for example by writing a new summary or rewriting technical information in layman’s terms. It may be possible for the provider to extract a summary from the information they hold. However, where requested, providers should take reasonable steps to support tenants who require assistance in understanding a document so that it is meaningful to them. For example, if a tenant or their representative requests assistance in understanding what a document published as part of your scheme (or a part thereof) is about, it would be reasonable for you to support a tenant with a brief explanation of the document.

Providers may already take account of their duty to provide reasonable adjustments under equality and accessibility laws when publishing information or responding to an information request in any event.

In line with the RSH Consumer Standards Code of Practice, providers should ensure that tenants are aware of the different ways in which information about your services can be made available. Where a request is received for information to be provided in hard copy or in an alternative format (e.g. tagged pdfs, screen-reader compatible text, alt text, large print or braille), we consider that a provider should honour that request free of charge unless, exceptionally, the request is for multiple copies of the same information which would be costly to reproduce and post. In those circumstances we consider it would be good practice to discuss with the tenant other ways that would be acceptable.

Providers should make their published STAIRs policy and information available in other languages on request and without charge.

1 TIGA Standard paragraph 2.1.1(a)

2 TIGA Standard paragraph 2.1.2

## What else might I need to consider when publishing documents?

It's extremely important to exercise care when publishing large datasets. Datasets under FOI requests are often published as .csv files so that they meet the accessibility requirement, in that they can be queried quickly and effectively. However, publishing datasets as .csv files also "flattens" the files so that you can readily identify any "hidden data" in restricted worksheets, for example, and remove any personal data prior to publication.

The data breach by the Police Service of Northern Ireland (PSNI) in 2023 is a lesson in the dangers of dealing with large datasets in response to information requests. In that case, confidential personal data relating to police officers was unwittingly published within a hidden worksheet in an Excel spreadsheet. In many cases it was clear that the disclosure put lives at risk, requiring families to be moved out of their homes to different areas. The breach led to a significant fine for PSNI (over £750,000). Although the STAIRs requirements are targeted at PRPs, any breach of data protection laws – either through routine publication or as part of an information request – would still be potentially reportable to the ICO and may require notification to individual tenants depending on the circumstances.

The ICO has published a checklist for public bodies to use when considering the disclosure of a dataset held as a spreadsheet which is available [here](#).

## How do I apply redactions?

Where there is a reason why information may have been redacted, for example, a sensitive board report referred to in board minutes or board papers, it is good practice to clarify when redacting the information the reason as to why that information has been redacted, for example:

- Item 2 board report –CONFIDENTIAL DUE TO COMMERCIAL SENSITIVITY (information redacted because disclosure would harm commercial interests).
- Item 3 board report – CONFIDENTIAL (redacted as disclosure would be an actionable breach of confidence).

When applying redactions, it is best to use professional software that ensures the redaction has been permanently marked into the document. Several different software packages are commercially available for this purpose. Standard pdf tools do not apply permanent redactions.

## F. In what circumstances can a PRP be considered to be holding information? What does "held" mean for the purposes of Chapter 1?

STAIRs mirrors the FOI principle that a body does not have to disclose information that it does not hold, nor is a PRP required to create information for your publication scheme.

Determining what information may be "held" for the purposes of STAIRs may not always be straightforward. In-scope information may be held in various different documents and may not be "publishable" in a single document per se. You should consider which class(es) of information best fits the type of document. There is no bar to information being published under more than one heading, although for consistency you may consider that restricting the information to one particular "class" may be the best approach. Whatever your preferred approach, you should have a clear internal categorisation in relation to STAIRs for all your documents.

With regard to information which may be held by third parties, under Chapter 1 PRPs are not required to publish information which may be held by a third party provider i.e. a body responsible for your social housing management function on your behalf. This information will not be in scope for the purposes of your publication scheme.

## **G. Should we publish previous information requests as part of our publication scheme, and the responses to those requests?**

Whilst there is no regulatory obligation to do so, in line with the proactive approach providers should take towards publication, providers may consider making responses to previous requests available on your website in a viewable format. This may not necessarily form part of your publication scheme in a formal sense, but could be included within the STAIRs section of your website. This may include cases where information has been disclosed in part with redactions or withheld entirely. Alternatively, once providers have dealt with a cohort of requests, it may be possible to consolidate responses to similar types of requests in an FAQ style format and provide information that way.

## **H. Charges for information**

The intention behind the Policy Statement is that providers should not levy a charge for making information available. Any information requested should be made available in an accessible format and free of charge (as per Section E. above), whether requested under Chapter 1 or Chapter 2 of the Policy Statement. Providers must avoid charging for information unless the circumstances are genuinely exceptional. Providing information in another language or a different format upon request is unlikely to be considered as exceptional.

We consider that single copies of information should

be made available free of charge. However if additional copies (of the same information and in the same format) are requested then exceptionally it may be appropriate to levy a fee. Where additional copies are requested, providers should carefully consider such a request on a case-by-case basis. For example, where a tenant has requested additional copies of information as part of their scrutiny role and is engaged in tenant-led activities, it will be less appropriate in such circumstances to levy a fee where that tenant is acting for and on behalf of other tenants. Providers will need to be able to justify the decision to levy a fee as fair and reasonable in all the circumstances.

# Chapter 2:

## How to respond to information requests

### A. Key steps when handling a STAIRs request

#### 1. Receiving requests

As information requests under STAIRs may only be made in writing, PRPs should ensure that they have adequate systems in place to receive a request under STAIRs and to record receipt of a request within a dedicated disclosure log, so that you can ensure compliance with the STAIRs timescales. A provider must also make reasonable endeavours to support any tenants who may be unable to make a request in writing. For the avoidance of doubt, “in writing” includes requests made by letter, email and text message or other instant messaging application. Providers should also respond to written requests made via your website or by social media where the requestor can be clearly identified and a valid address for correspondence is provided.

Whilst information requests do need to be in writing, you should ensure that appropriate arrangements are in place so that all tenant groups are able to exercise their rights under STAIRs. The Policy Statement includes a duty on providers to make reasonable efforts to assist tenants to make a clear and valid request. Given that a valid request may only be made in writing, the onus is on providers to ensure that no tenant is disenfranchised by the new requirements and all are supported to be able to make requests in this way.

For example, there may be times when a tenant cannot submit their request in writing, for example due to a disability. You should offer assistance in such cases, for example by writing down a verbal request, or signposting the tenant to appropriate support services, whether external or offered by you as part of your services.

Where a provider has taken a verbal request, the Ombudsman will expect it to be mutually agreed in writing (where possible) and a record retained. This could mean reading the request back to tenants who have sight impairments and asking them to confirm verbally that they agree, or sending a printed copy.

You will need to ensure that all tenant liaison officers and support workers are aware of the new requirements and how they can support more vulnerable tenants to make requests.

Providers will already have systems in place to receive requests for personal data (DSARs). It is recommended that a similar process is put in place for receipt of requests under STAIRs. Given the nature of the requests, it will be important for request handlers to be trained in identifying the subject matter of the request, and whether it amounts to a request for personal data under data protection law, or whether it is a request for non-personal data under STAIRs.

We appreciate that providers may receive “mixed” requests, i.e. communications in which tenants raise a number of different issues, which may include (amongst other things) a complaint, a request under STAIRs and also a request for their personal data in the same correspondence. If this is the case, you should ensure that your staff are trained to deal with such scenarios and are able to recognise the various aspects of a communication a provider may receive, and ensure that each part is accurately forwarded to the right person or part of the business for processing.

For example, if a provider receives a request for information from a tenant about incidents of anti-social behaviour directed at their own address, this constitutes personal data relating to them as an identifiable individual. This should be treated as a DSAR and the tenant informed of your doing so. Alternatively, if a resident requests information about complaints of anti-social behaviour relating to their address (i.e. complaints about that resident) they may be able to identify the complainant from that information. You should seek advice from your privacy team or DPO if unclear as to whether or not the request contains any personally identifiable information.<sup>3</sup> You may also need to consider if the communication is raising an issue relating to anti-social behaviour which should be dealt with under your complaints or ASB policy.

You should also ensure that if an information request has been received by a third party responsible for the management of social housing on your behalf that you have systems in place to ensure that the third party is able to provide you with the request without undue delay to avoid you being unable to meet the request within the timescales. STAIRs will not require you to renegotiate existing contracts with third parties to include information sharing agreements, but you should consider what steps you will need to take to meet the requirements and take a proportionate approach. It may be helpful to clarify on your website or in your STAIRs publicity materials that any STAIRs requests should be made directly to the relevant PRP landlord, rather than the body responsible for social housing management on behalf of the PRP.

## 2. Identity of tenant

The STAIRs regime is available to current tenants. The Policy Statement contains a broad definition of “tenant” as including a tenant, a licensee, a shared owner owning less than 100% of the property equity, and any other person in a landlord-tenant relationship with a registered provider. This would therefore include an individual licensee within an almshouse or supported housing, where the landlord is registered as a PRP with the RSH. Family members or others living at the property that are not named tenants would not be able to make requests (or make a complaint to the Ombudsman) unless designated as the tenant’s representative. Equally, former (or prospective) tenants will not have standing to make a formal request under STAIRs.

Additionally, the Policy Statement confirms that a designated representative acting on behalf of the tenant may also make a STAIRs request. Tenants are required to identify their representative to the provider. As there is no limit on who may act as a representative (so as to ensure the benefit of STAIRs remains accessible to all tenants), it may be necessary for you to make checks as to whether the representative is acting on behalf of the tenant in making the request.

Under data protection law, it is possible for a third party to make a DSAR on behalf of a data subject where they have completed a form of authority signed by the data subject. We recommend that, where the representative is not already known to you, the representative should provide a form of authority, signed by the tenant, confirming that they are acting on behalf of the tenant in making the request.

If the identity of the tenant or their representative cannot be established, you are entitled to refuse the request.

<sup>3</sup> For smaller organisations the ICO also has a dedicated section on their website for privacy advice which also includes details of how to contact the ICO - [Advice for small and medium organisations | ICO](#)

### 3. Acknowledgement and clarification of the request

Following receipt of the request, you should ensure that written acknowledgement of the request is provided promptly and without undue delay, we would suggest ideally within three working days. Where the request is unclear in any way, you should take steps to engage with the tenant and seek clarification as to exactly what information they are seeking by way of disclosure. The Policy Statement confirms that providers must make reasonable efforts to assist tenants to make a clear and valid request.

Where the tenant has requested information that relates to their own property, to the extent that the information enables you to infer something about that individual (e.g. energy usage) that may amount to their personal data, and they should be informed that their request (or that part of their request) will be treated as a DSAR. The context will be key here – repairs or asbestos information of itself is not personal data, but if it can be linked to an individual it may become their personal data. Again, providers should seek advice from their privacy teams or DPO (or the ICO) if unclear.

### 4. When should a PRP consider a request for information as part of its “business as usual” processes and not under STAIRs?

Providing an informal, “business as usual” (BAU) response can be a quick and effective way of dealing with information requests. Not all requests for relevant information need to be dealt with formally. Where the request is for information readily available from the provider’s records and databases and can be answered on a BAU basis, you should consider whether this approach is simpler and will enable the tenant to receive the requested information quicker. Providers should use their judgement to decide if a request for information is best dealt with via STAIRs or on a BAU basis.

A provider would need to be sure that taking a BAU approach did not increase the time taken to issue the response or impact the quality or quantity of information provided. A BAU approach may not be appropriate if, for example:

- Third parties needed to be involved or consulted.
- Factors favouring disclosure need to be balanced against the likelihood of any harm arising from disclosure.
- Information should be withheld for any reason.

When issuing a BAU response you should always inform the tenant that they may request a formal response in line with STAIRs should the tenant wish.

To ensure consistency across STAIRs and BAU requests we suggest that these requests are also recorded in your disclosure log, as there may be times when a request for information is dealt with via BAU, but the tenant is unhappy with the response. In such cases it would be reasonable for you to provide a formal response in line with STAIRs, which can progress to a STAIRs review if the tenant remains dissatisfied. In such cases the 30-day clock would start from when the tenant made their original request for information.

If a provider is satisfied that a formal STAIRs response would give no more information than had already been provided via BAU, it would be reasonable to state this and move the case straight to a STAIRs review.

### 5. When does the clock start and stop?

The provider has 30 days from receipt of the request to provide the requested information (not from the date of acknowledgement of receipt). Where you need to seek clarification of the request, or you need to obtain verification as to the identity of the tenant or their representative, we consider that the clock doesn’t start until confirmation of ID or clarification has been received. However, you should not delay in seeking clarification. A record should be kept of when the date of the initial request and any clarification or verification is received, so that the request can be responded to within the correct timeframe.

## B. Processing the request

### 1. How do I know which area of the business holds the requested information?

As part of your preparation for STAIRs, it will be necessary to ensure that those responsible for processing the request have ready access to your organisation’s information asset register, because this document will be key in determining which business unit within your organisation holds relevant information. It may be that more than one area of your organisation is required to supply information to answer the request. We recommend that each business unit appoints a STAIRs “lead” to handle requests, this individual should also be responsible for supplying routine information to be published as part of your organisation’s publication scheme process. Early communication with relevant individuals within your organisation regarding the request will be crucial to meeting the STAIRs timescales.

STAIRs applies to the PRP so, whilst individual entities within your group structure may not be directly required to comply with the STAIRs requirements, they should be aware of the Policy Statement and the implications for their business area. You should ensure that systems are in place to secure relevant information from each business area or group entity to respond to requests and meet the publication scheme requirements.

## 2. Do I need to reproduce information we hold in a different format?

Possibly. Whilst providers are not required to create new information, it may be the case that you hold information from different sources which you need to pull together and present in a different format to that in which the information is originally held. If you have the “building blocks” necessary to produce a particular type of information, it is likely that you would hold that information for the purpose of presenting it in response to a STAIRs request.

For example, if a tenant is seeking information about the number of properties in a particular area where damp and mould has been identified, along with any properties in the same area which may have received other repairs within the last 12 months, it is likely that this information could be held in two separate sources. You would then need to present this information in an accessible format to the tenant which helps their understanding of your response, such as in a table which highlights those properties within a particular area. Filtering existing information you already hold would not be considered as you creating “new” information. Although you are not obliged to create new information, you are under a duty to present information already available in a way which is accessible to the tenant. Any work undertaken to present the information in an accessible format should be undertaken within the 30 day response period. We also refer the reader to Chapter 1 Section E of this guidance, where we set out the possible options for

providers when making information available in an alternative format, which are equally applicable when dealing with an information request under Chapter 2 of STAIRs.

On the other hand, having to apply skill and judgement to existing information in order to respond to the way a tenant has made their request would amount to the creation of new information. For example, if you are asked to provide information which asks you to grade a series of repairs your organisation had undertaken in a particular block of flats, and this wasn’t your previous practice, this would amount to the creation of new information.

Providers should ensure that they do not destroy, amend or alter the information that is requested with intent to prevent disclosure of relevant information. However, there should be no obligation on providers to have to search for information that may have been deleted in line with standard retention/deletion practices. We would recommend that, depending on the nature of the request, you do consider information held in archives or back-up files where appropriate, as this is likely to be information which is “held” for the purposes of an information request.

As per the section above in Chapter 1 on accessibility, there may be occasions where it will be necessary to provide a summary of the information requested, but only as part of extracts taken from the document, as opposed to having to create any material from scratch. If a significant amount of information is requested we suggest that you engage with the tenant at an early stage to see if you are able to narrow down the scope of the request or provide in summary format – again, without the need to create “new” information.

### 3. What about where the information is held by a third party?

Where information is held by a third party responsible for delivering your social housing function on your behalf, the provider is required to use all reasonable endeavours to obtain this information, in response to a request for information.

The reference to a “body/person responsible for the management of the registered provider’s social housing” refers to organisations where the responsibility for the management of social housing has been delegated (such as a managing agent) and does not refer to contractors or suppliers providing repairs or maintenance or other support functions under contract with the provider. Where a third party organisation delivers your social housing function, we would recommend that providers advise key partners at an early stage as to the requirements of STAIRs and ensure that appropriate steps are taken to ensure that access to information is readily available to meet STAIRs timelines for a response.

For the avoidance of doubt, STAIRs does not require providers to access information which may be held by other parties undertaking activities for which the provider acting as landlord does not have a legal responsibility to the tenant. For example, a provider won’t be required to obtain information from a freeholder regarding the maintenance of common areas of an apartment building where the provider is a landlord which leases a number of flats which it lets as social housing. However, it would still be open to the provider to seek to obtain this information and provide it to the tenant should they choose to do so.

### 4. Do I need to disclose information if it may be accessed by a different route?

There are certain categories of information which PRPs are required to report under other statutory provisions which won’t amount to “relevant information” for the purposes of STAIRs, although providers may wish to consider including these documents as part of your publication scheme. Note that if you receive a request under Chapter 2 in these circumstances you should make reasonable efforts to direct the tenant to the appropriate route for accessing this information.

- PRPs registered as community benefit societies are required to make returns to the FCA e.g. financial statements, confirmation statements, Board Member information, rules, amalgamations and transfers of engagements.
- PRPs that are companies are required to make Companies House filings e.g. annual accounts, confirmation statements, director information, articles of association.
- Where registered, PRPs may be subject to Charity Commission reporting requirements e.g. annual reports; audited accounts; trustee information successor bodies, serious incident reports.
- Transparency obligations relating to the publication of commercial contracts under relevant procurement laws.

## 5. In what circumstances am I able to extend the timeline for a response?

In most cases, requests should be responded to within 30 calendar days. We understand that this means that providers should ensure that a response is issued (sent) to the tenant on or by day 30 (even though it may take a day or so for a response by post to be delivered). However, if 30 calendar days expires on a weekend or Bank Holiday, providers should ensure that the response is issued on the final working day before the 30 day period is up.

At this point it is not entirely clear as to when “exceptional circumstances” may be present such that the provider may extend the time period for responding to a request. However, there is likely to be a high bar for any extension to apply as “exceptional circumstances” – routine consideration of any reason why information may be withheld or need to be redacted is unlikely to amount to circumstances which can reasonably be considered as “exceptional”. We consider that a plain English meaning to the word “exceptional” is likely to apply. A provider will need to demonstrate that the circumstances were genuinely exceptional for any extension to be considered reasonable. For example, this may be the case where the provider faced a serious disruption to its services from a cyber-attack or other period of forced downtime to service delivery.

In terms of the length of any extension the only stipulation in the Policy Statement is that any extension to the 30 day timeframe in such circumstances is “reasonable”. We suggest that a reasonable period may be up to a further 30 days maximum when applying any extension. Of course, if a provider is able to respond in a quicker timeframe then it should do so and make efforts to ensure that the extension period is kept to a minimum.

A tenant should be informed at the earliest opportunity as to any intention by the provider to extend the time period for a request, together with a brief summary by way of explanation as to why any extension is being applied, and when they may expect a further response from the provider.

## 6. How should I apply the reasonableness test when considering whether or not to withhold or redact information?

A key aspect of the Policy Statement concerns how providers should interpret when it is “reasonable” to withhold (or redact) information. Paragraph 15 of the Policy Statement sets out what providers must not take into account when making this assessment – namely, the identity of the tenant; the reasons for the request; any intended use for the information. This mirrors the “purpose blind” approach under FOIA.

Paragraphs 14 and 16 set out the two key elements of the “reasonableness test”. Paragraph 14 states that PRPs should have “due regard to” protections applying to certain classes of information as defined in FOIA and data protection legislation (and any other relevant statutes). Paragraph 16 requires providers to balance factors favouring disclosure against the likelihood of any harm arising from the disclosure.

Before considering this in more detail, it is important to note that, when considering any STAIRs complaint, the Ombudsman may focus on the process of reaching the decision and whether the process applied by the provider was reasonable as well as the merits of the decision itself. This means that a provider will need to be able to demonstrate how it has made the decision to withhold information and how the factors involved which led to it making that decision were reasonable based on the tests set out in paragraphs 14 and 16.

### I. Paragraph 14 – what does “have due regard to” mean?

In having “due regard” a provider must ensure that anyone making a STAIRs decision gives proper consideration to whether the information falls within a class of information that could reasonably be considered as “protected” under FOIA and data protection legislation (and any other relevant statutes) and whether releasing the relevant information could cause harm. For the avoidance of doubt, where legislation is directly applicable (such as the UK GDPR/Data Protection Act) providers will be required to apply these laws irrespective of any STAIRs requirements.

There is no legal test per se as to what “due regard to” means in law, but it is generally considered to mean that the decision-maker has an obligation to actively consider

those principles under relevant laws where it reasonably deems them to be present. If the decision-maker fails to consider or take proper account of those principles then it cannot be said to have given “due regard”. However, it is for the provider to assess what weight should be given to those principles in all the circumstances of the case. The provider is free to depart from the principles if it can reasonably justify why it did so in the circumstances.

In assessing whether it is reasonable to withhold information, in having due regard to any protections afforded to certain classes of information in any relevant statute, providers should:

- Identify and consider the relevant factor, principle or legislation.
- Weigh its relevance and importance.

Providers remain free to depart from it (other than where legislation is directly applicable), provided you can justify your reasoning. You are not required to follow the factor or principle automatically.

Providers should be able to justify why they consider that any protected class(es) under the relevant statute may apply to the request and record their reasoning.

STAIRs will not require providers to strictly apply the requirements of FOIA exemptions (or other relevant statutes without direct application). FOIA does not apply directly to providers (as they are not public bodies) and so are not bound by the statutory rules and obligations set out in that regime.

We have set out at Appendix 4 a number of FOIA exemptions which may be relevant for providers to consider when deciding whether to withhold or redact information. This is not an exhaustive list as other statutory provisions may apply<sup>4</sup>, however we consider that these are the principal protected classes of information which providers will need to take into account when assessing reasonableness. Providers should also be aware that the Policy Statement makes clear that they would not be required to disclose information where doing so would bring them into conflict with any statutory provisions – i.e. where a provider is under a legal duty not to disclose certain information, or where you can demonstrate that disclosure would conflict with another legal requirement you must not disclose that information.

## II. Paragraph 16 – how do I balance the factors in favour of disclosure against the likelihood of harm arising from the disclosure? What does “harm” mean?

When considering the reasonableness test under Paragraph 16 providers are required to balance factors favouring disclosure against the likelihood of any harm arising from that disclosure. They should also take into account the views of any third party regarding the likelihood of any harm – for example, it may be that where the provider holds information which was generated by a third party, the provider would be expected to consult that party prior to releasing the information. Providers should always apply the balancing test when considering whether it is reasonable to withhold information from disclosure. However, providers must not take into account any reputational risk or negative public interest which may be either caused or inferred by reason of any disclosure (whether to the provider or any impacted third party).

Factors to take into account when considering the likelihood of harm being caused by the disclosure may include:

- Type of harm – physical, mental, financial, or operational / commercial.
- Severity – how serious could the harm be?
- Likelihood – is harm speculative, possible, or reasonably likely?
- Harm to third parties – e.g., other individuals, third party organisations, whether or not the information is in the wider public interest to disclose.

When considering the views of third parties, providers may take account of their views but should be aware that these are not determinative as to whether disclosure is reasonable – ultimately the decision rests with the provider.

Whilst there are often strong public interest reasons why information ought to be disclosed, equally there may also be public interest reasons why release of information may cause “harm” and ought to be withheld. For example, there is often a public interest reason in withholding information on the basis that there is a:

- Need to ensure confidentiality around formulation of decisions and pipeline discussions or protect a negotiating position.
- Need to ensure value for money and maintain competitive position in a market.

<sup>4</sup> The Environmental Information Regulations 2004 apply to information which relates to the environment, including land and buildings and will be relevant to consider when applying the “reasonableness test”. However the exceptions under these Regulations generally mirror the scope of exemptions under FOIA.

- Need to ensure the health and safety of any individual or prevent disclosure of information which could prejudice any investigation.
- Need to withhold information for safeguarding vulnerable individuals or other public protection purposes.

For the avoidance of doubt, providers are not required to carry out a public interest test (as set out in certain FOIA exemptions) but they must carry out the balancing exercise as set out above to assess harm. Providers should ensure that they retain clear documentation of having undertaken a balancing exercise demonstrating their reasons for disclosure or non-disclosure and the relevant factors which were considered as part of that exercise. This will be important in demonstrating to the Ombudsman in the event of a complaint that you have followed an appropriate process when applying the reasonableness test.

### III. What should my policy on STAIRs requests look like?

Paragraph 17 of the Policy Statement requires providers to have a policy that sets out how the provider will approach decisions as to whether it is reasonable to withhold information. As part of our model STAIRs policy at Appendix 2 we have included a section which sets out some proposed wording you may use as part of your policy that sets out your approach to the reasonableness test.

## 7. What if the request is repeated, offensive or abusive?

The Policy Statement makes clear that a provider may refuse a request where:

- The request is repeated (including where the same request has been received from multiple tenants).
- The request is offensive or communicated in an abusive manner.

A repeated request under FOI law is one which is identical to, or substantially similar to, a previous request submitted by the same individual. We would expect the Ombudsman to take a similar approach to a repeated request under STAIRs.

In terms of when a request can be considered to be “repeated” in time, providers will be required to consider whether a reasonable interval has elapsed between the new request and the prior request. If it is possible to provide up to date information that is different to the information provided previously, the request should not be considered as a “repeat” request and providers should provide the updated information.

STAIRs also includes the scenario where similar requests are made by multiple tenants, essentially acting in conjunction with each other. We would expect this situation to occur relatively rarely. Where it does, in the event of any Ombudsman complaint, the provider may need to demonstrate how it concluded that multiple tenants were acting in conjunction, as opposed to where separate requests were made by different tenants around the same time seeking similar information. In this instance you may consider whether this information ought to appear in your publication scheme.

In cases where a request has been communicated in an offensive or abusive manner judged from the perspective of the reasonable person, it would be appropriate for a provider to refuse such a request. It may also be reasonable for providers to consider requests that are intended to be disruptive as having been ‘communicated in an abusive manner’. For example, a tenant may choose to make requests for information every few days over several weeks. A provider could conclude that they were communicating in an abusive manner (even if no unacceptable language is used) if the likely intention of the communication was to cause disruption and distress to the provider and its staff. We consider that the Ombudsman would expect a provider to evidence how it had reached any such conclusion. Any threshold for refusing in these circumstances is likely to be high.

Where providers can demonstrate that a tenant has engaged in a course of conduct which appears deliberately intended to be disruptive, keeping a record of such communications will be key to demonstrating that any decision by the provider to refuse such a request as “abusive” was reasonable.

## 8. What efforts am I required to make to obtain relevant information?

The Policy Statement confirms that providers must fulfil requests for relevant information unless it is “reasonable” to withhold the information from disclosure or other grounds for refusal are met. You must carry out appropriate searches to determine what information you hold. What amounts to an appropriate and reasonable search is not specified in legislation, but ICO guidance on FOIA indicates that if the authority has reasonably made enquiries of areas of the business that you would expect to find the information, then that would be sufficient. For example, if you receive a request relating to a contract, it would be reasonable to make enquiries that are restricted to your finance and procurement teams and the business unit relating to this service (if any).

If the provider considers that it is likely to take longer than 18 hours of administrative staff time to respond to the request, the provider is entitled to refuse the request. We understand that “responding to requests” means all time taken in reviewing and collating the information and any time taken in preparing the response, including time spent in redacting relevant information prior to disclosure. In order to make this assessment, the provider should discuss the request with the business unit(s) concerned who may need to compile the information to understand what activity may be involved in collecting the requested information and the estimated amount of time taken to process the request. The provider should document the estimate and reasons provided and inform the tenant as to why the request has been refused. In the event of any complaint, the provider must be able to present a reasonable case to the Ombudsman for refusing to process the request on the basis that it would exceed the time limit and the work required to respond.

If a provider does apply a time limit argument in its response, it should still seek to assist the tenant by highlighting relevant information published as part of their publication scheme which may be relevant to the request.

We suggest that the circumstances in which a provider may successfully argue that a request may take longer than 18 hours to process may be relatively rare. Strong record-keeping and information management practices will be essential to your successful implementation of STAIRs. Providers should keep good records of information related to the management of tenants’ homes so that you can be as open and transparent as possible with your tenants.

## 9. How should I refuse a request?

If you are refusing the request because you don’t hold the information; or it is reasonable to withhold the information from disclosure; or the information requested is not “relevant information” (i.e. is outside of the scope of STAIRs), you should:

- i. Confirm to the tenant that you have undertaken reasonable searches for the information and it is not held (or part of the information relating to the request is not held where some information can be disclosed).
- ii. Confirm that the information is held but refuse to provide it; or
- iii. Refuse to confirm or deny whether or not the information is held.

In relation to (ii) and (iii) above, you will need to explain why you have refused the request and why you consider that it is reasonable for you to have done so. In particular, where you are relying on either Fol or data protection principles as the basis for withholding (or redacting) the information, you will need to confirm that you have done so and why you consider that the particular FOIA protected class applies in your case.

The notification of refusal should ensure that it explains how the tenant may seek an internal review of the decision and that they may complain to the Ombudsman once the internal review process has been exhausted.

## 10. Can I give a “neither confirm nor deny” (NCND) response?

Under Fol law public authorities must first confirm whether they hold the information requested – this is the statutory duty to confirm or deny. If they do hold it, they must normally communicate it to the requestor. However, where an FOIA exemption applies, authorities may consider issuing a “neither confirm nor deny” (NCND) response if merely confirming whether the information is held would itself reveal something exempt or harmful. NCND is grounded in the public interest: disclosure of the fact of holding (or not holding) information must not allow the requestor to infer sensitive details.

Unlike FOIA, STAIRs does not contain any explicit duty for a provider to confirm whether it holds the information requested. However, there may be times where simply acknowledging that information is held or not held would disclose something about that situation or request that would not be reasonable. In such cases a provider may choose to give a NCND response (most exemptions set out in FOIA refer to NCND).

For example, a tenant may ask for any information a provider holds about reports of antisocial behaviour made from a particular address. Revealing that it held such information, even if deciding not to disclose it, could be unfair to the residents of that address and may be a contravention of the UK GDPR.

Similarly, even if a provider doesn't hold the information asked for, it might use NCND if confirming or denying the existence of information, even hypothetical information, is likely to cause harm. For example, a request could be made for information on planned mergers. An NCND response might be appropriate if confirming or denying the existence of merger-related information would reveal sensitive commercial information.

## 11. How should an PRP issue the response?

The response should detail the request and the information provided in relation to each question posed by way of response. The response should make clear that the information is being disclosed pursuant to a request made under STAIRs. If any information is being withheld or redacted, the response should usually clarify that information which is being withheld or redacted (unless you are issuing an NCND response).

The provider's policy should make clear that the response will be provided electronically unless the tenant has specifically requested the information in hard copy. The response should enclose the requested information, or alternatively explain why the request has been refused (or partially refused) and inform the tenant as to how they can make a request for an internal review prior to lodging any complaint with the Housing Ombudsman (and how long they may have to do so). Responses to requests should ensure that they inform tenants of their right to access the Housing Ombudsman Scheme for complaints related to STAIRs.

# Chapter 3:

## Dealing with reviews and complaints

### 1. How should I deal with a request for a review?

Prior to making any complaint to the Ombudsman, the tenant should issue a request to the provider for a review. There is no timeline in the Policy Statement for how long any individual has in which to request a review. However, the proposed amendments to the Ombudsman Scheme for handling complaints suggests that the Ombudsman may not consider complaints that are about matters which were not brought to the attention of the provider as a review request under STAIRs within a reasonable timeframe, normally three months. We consider that this represents an adequate timeframe by which a tenant may request a review of their STAIRs response.

It is important to note that a request for a review under STAIRs should be handled differently to a complaint dealt with under your standard internal complaints procedure. It is not a “complaint” which should be handled under the Ombudsman’s Complaints Handling Code. It is a request for a review of the publication scheme and information a tenant believes is missing from it, or a request for a review of the handling of or response to an information request. You will need to ensure that you have a separate process for dealing with requests for a review, and that tenants are clearly aware that this is a separate process to your standard complaints procedures.

Again, the tenant does not need to make it explicit in their letter that this is a request for a review under STAIRs. If a tenant considers that information is missing from the provider’s publication scheme, or is expressing dissatisfaction with the handling of or response to an information request, a provider should treat this as a request for a review, seeking clarification from the tenant as required. The tenant should be advised when the response is first issued of their right to bring an internal review of the decision within three months of issue.

The Policy Statement sets out that a review should be completed within 30 calendar days

of receipt (unless there are clear circumstances in which it may be necessary to apply any extension, similar to that set out for initial requests as above). A review should assess all of the issues raised by the tenant and be dealt with on a case-by-case basis. It should also be dealt with by someone other than the officer who provided the original response. Where more serious issues are raised, such as where documents may have been withheld and the tenant is contesting that decision, it may be more appropriate for someone in a more senior position within the organisation to conduct the review. Bear in mind that if a complaint is raised with the Ombudsman, they are likely to consider the process by which you handled the review and whether such steps were fair in all the circumstances.

Depending on the findings of the review, a provider may decide to:

- Uphold its original position.
- Publish information not previously published.
- Provide information that had previously been withheld (either in full or redacted).
- Acknowledge failings in the handling of an information request and take action to put things right.

Full reasons for the decision made in the review should be set out in the review response letter, so it is clear as to why the decision in question has been taken. This is particularly important where a prior decision to withhold information has been overturned on internal review, as it will be important for the tenant to know the reasons for a different decision having been made as part of the review.

### 2. Complaints to the Housing Ombudsman

If the tenant remains dissatisfied with how their request has been handled following an internal review, they have the right to complain to the Housing Ombudsman under the terms of the Housing Ombudsman Scheme. Responses to review requests should inform tenants of their right to access the Scheme. At the time of writing the Ombudsman is consulting on changes to the

Scheme to include STAIRs as a new area of work for the Ombudsman. As part of the consultation, it has issued a revised Scheme document, which includes Part “2B” relating specifically to STAIRs complaints.

We have already highlighted that providers must note that the proposed complaints process for STAIRs differs to the standard complaints process under the existing Complaints Handling Code. There is no 2 stage process for complaints and the Ombudsman has sole discretion to decide whether a complaint is a STAIRs complaint or unrelated to STAIRs, in which case it would be dealt with under the usual complaints process under Part 2A of the proposed amended Scheme.

In addition to current tenants, the Ombudsman has proposed that the STAIRs complaints scheme will extend to individuals who were a tenant when they made their original STAIRs request or sought a review but are no longer a current tenant of that provider. The Ombudsman has also proposed that its Scheme applies to representatives of tenants who are both authorised to act on their behalf and also where a tenant lacks capacity to authorise a representative to act on their behalf (the Ombudsman must be satisfied that the representative has the legitimate authority to act on the person’s behalf).

It is also important to note that, where the complaint amounts to an allegation of breach of data protection legislation (or some other breach), the Ombudsman proposes that it may not consider complaints which would fall properly within the jurisdiction of the ICO or other regulator, as appropriate.

The Ombudsman will only handle a complaint about STAIRs following the tenant having first sought an internal review of their complaint from their provider. A STAIRs complaint will be about either:

- i.** a failure to proactively publish information in accordance with Chapter 1 of STAIRs.
- ii.** a failure to disclose information in response to a STAIRs information request; or
- iii.** the handling of a STAIRs information request or a STAIRs internal review request.

As part of any investigation, the Ombudsman will likely seek to establish whether the PRP has been responsible for “maladministration”, which includes findings of “service failure”, “maladministration” and “severe maladministration”. The Ombudsman may request any information deemed relevant to the investigation to consider the case, and providers should assist the Ombudsman as required.

The consultation proposes that the Ombudsman will have the power to uphold or reject the complaint and make “orders or recommendations”, including that the provider:

- a.** Publishes or discloses the information sought.
- b.** Responds to a request within a specific time period.
- c.** Reconsider a decision within a time period set by the Ombudsman.
- d.** Apologise to the complainant.
- e.** Pay compensation to the complainant.
- f.** Review policies and procedures.
- g.** Take other such reasonable steps as the Ombudsman considers appropriate.

The Ombudsman may also publish any determination as appropriate. The consultation also proposes that the Ombudsman may issue good practice guidance to members and may require members to self-assess against such guidance if a complaint has been received. Providers are required to adhere to orders made by the Ombudsman under the terms of the Scheme. Any failure to adhere to orders may be reported to the Regulator.

Complainants may be able to seek an internal review of a decision issued by the Ombudsman. Further details on this will be provided in due course.

# Appendices

## Appendix 1: Model publication scheme template

CLASS OF INFORMATION	INFORMATION TYPICALLY INCLUDED
<p><b>Governance and decision making</b></p> <p>Information in this class is published as at the current date.</p> <p>Information relating to tenant consultations and meetings published for the current and previous two financial years.</p>	<p>Types of information your organisation should include here may include links on your website to:</p> <ul style="list-style-type: none"> <li>● <b>About us</b> [Documents setting out information relating to: Mission statement; vision and values; corporate objectives].</li> <li>● <b>Our group structure</b> [Documents containing your organisational structure charts identifying senior members of the organisation and key individuals – e.g. fire safety principal accountable person].</li> <li>● <b>Our board</b> [Documents listing your board members (including executive and non-executive members)].</li> <li>● <b>Our committees</b> [Documents listing your key decision-making committees and their executive functions].</li> <li>● <b>Our Executive Team</b> [Your senior management team with biographies].</li> <li>● <b>Our decision-making processes</b> [Documents setting out your constitution and articles of association / standing orders / other organisational governing documents].</li> <li>● <b>Tenant consultation documents</b> [e.g. newsletters; meeting agendas and minutes; your tenant participation strategy; resident engagement policies].</li> <li>● <b>Board papers</b> [Documents listing a public version of your board papers, agendas and meeting minutes].</li> <li>● <b>Key documents relating to strategic decision-making by the board</b> [e.g. merger-related information highlighting strategic plan/rationale; impact assessments; due diligence considerations.]</li> </ul>

CLASS OF INFORMATION	INFORMATION TYPICALLY INCLUDED
<p><b>Finance and spending</b></p> <p>Information in this class is published for the current and previous two financial years.</p>	<ul style="list-style-type: none"> <li>● <b>Audited accounts and financial statements</b> [Will contain details about spending, grants and use of service charge revenue].</li> <li>● <b>Rent collection; rent rates.</b></li> <li>● <b>Procurement procedures relating to the acquisition of goods and services designated for the provision of housing management services.</b></li> <li>● <b>Contracts and tenders that exceed £500 for housing management services.</b></li> <li>● <b>Merger related transaction / integration costs (headline costs); financial risk assessments (as part of published plans).</b></li> </ul>
<p><b>Housing stock management</b></p>	<ul style="list-style-type: none"> <li>● <b>Corporate Plans and Objectives</b> [Documents setting your corporate strategy with a copy of the plans available for download, relating to the management of your housing stock and strategic goals for your organisation, including (not an exhaustive list): <ul style="list-style-type: none"> <li>- Decent homes.</li> <li>- Planned investment programme -building sustainable homes.</li> <li>- Estate management strategy.</li> <li>- Maintenance work and repairs.</li> <li>- Environmental information and progress towards net zero.</li> <li>- Social investment strategy.</li> <li>- Resident engagement strategy].</li> </ul> </li> <li>● <b>Stock profile and transfers</b> [Details of any asset transfers (whether purchase or sale) in the last [12] months and any anticipated asset transfers within the next [12] month period].</li> <li>● <b>Property conditions and improvements to property</b> [Details of maintenance and repairs works carried out over the last [12] months and response times].</li> <li>● <b>Stock/asset condition data (as required by RSH consumer standards)</b> [Data required by RSH – home types; rent levels; tenant satisfaction metrics; lettings and sales; stock condition survey programmes; compliance].</li> </ul>

CLASS OF INFORMATION	INFORMATION TYPICALLY INCLUDED
<p><b>Performance</b></p> <p>Information in this class is published for the current and previous two financial years.</p>	<ul style="list-style-type: none"> <li>● <b>Inspections outcomes and ratings.</b> [Any audits or reports from the Regulator of Social Housing, Housing Ombudsman decisions].</li> <li>● <b>Performance reviews and evaluation reports, internal/external audits.</b> [Audits undertaken by internal teams and publishable external audits undertaken by consultants/professional services firms;].</li> <li>● <b>Tenant Satisfaction Measures/Annual reports to tenants.</b> [You are already likely to publish these, to include link to website where available].</li> <li>● <b>Media releases.</b> [Include links to news sections of your website and any charitable activities on behalf of your organisation].</li> <li>● <b>Complaints handling, procedures and performance metrics; service standards.</b> [Include links to your reports regarding complaints handling and performance and any Housing Ombudsman Self-Assessments].</li> <li>● <b>Information request / data breach data.</b> [Include a copy of your disclosure log as updated (removing any personal identifiable data)].</li> <li>● <b>Health and safety performance and assessments.</b> [To provide links to any organisational health and safety risk assessments to the extent these may be publishable without risk of harm to any individual].</li> <li>● <b>Number of evictions.</b> [To include link to your reports on evictions and reasons for evictions without including any personally identifiable data].</li> <li>● <b>Compensation and redress.</b> [Documents relating to internal outcomes for tenants and residents and Housing Ombudsman orders and other outcomes from legal claims].</li> <li>● <b>Awaab’s law compliance – Reports on response times for emergency and significant hazards.</b> [All reports on response times for dealing with emergency and significant hazards under Awaab’s law].</li> <li>● <b>Number of decants over a [12] month period.</b> [To publish information held relating to volume of decants to temporary alternative accommodation].</li> </ul>

CLASS OF INFORMATION	INFORMATION TYPICALLY INCLUDED
<p><b>Housing services and tenant liaison</b> Information in this class is published as at the current date.</p>	<ul style="list-style-type: none"> <li>● <b>Description of services, advice, and guidance for tenants.</b> [To include links to all your documents providing advice and guidance to your tenants and residents – these may vary from one organisation to another but should point to the link on your website where tenants can go to for any advice about their property and any tenant liaison groups and services].</li> </ul>
<p><b>Lists and registers</b> Information in this class is published for the current and previous two financial years</p>	<p>Information held in registers required by law:</p> <ul style="list-style-type: none"> <li>● <b>Gas safety registers.</b> [Evidence of gas safety checks for properties but not at an individual level].</li> <li>● <b>Fire safety risk assessments (for communal and multi-occupied buildings).</b></li> <li>● <b>Electrical safety (EICR) records.</b></li> <li>● <b>Asbestos register (for communal areas of residential buildings).</b></li> <li>● <b>Water hygiene logs / legionella risk assessments (inspection logs and risk assessments for hot/cold water systems).</b></li> <li>● <b>Building safety performance documents and inspection outcomes.</b></li> </ul> <p>Other lists and registers relating to the management of social housing, e.g.:</p> <ul style="list-style-type: none"> <li>● <b>Damp and mould case tracking reports (other than at a per property level).</b></li> <li>● <b>Estate inspection schedules.</b></li> <li>● <b>Home accessibility / adaptations register.</b></li> </ul>

CLASS OF INFORMATION	INFORMATION TYPICALLY INCLUDED
<b>Social housing management</b>	<p><b>Policies and strategies relating to the management of social housing.</b></p> <p>[This section should contain a full list of all your policies that impact on tenants' rights and duties. It is likely that you will already publish this on your website. The following list contains examples of these (not an exhaustive list)].</p> <ul style="list-style-type: none"> <li>● Aids and adaptations.</li> <li>● Anti-social behaviour and adverse behaviours e.g. domestic abuse policy; hate incidents.</li> <li>● Building safety.</li> <li>● Arrears.</li> <li>● Compensation.</li> <li>● Complaints / customer care.</li> <li>● Communal spaces.</li> <li>● Customer safeguarding.</li> <li>● Damp and mould.</li> <li>● Decant.</li> <li>● Disrepair.</li> <li>● Fire safety.</li> <li>● Fraud.</li> <li>● Income management.</li> <li>● Leasehold management.</li> <li>● Neighbourhood and estate management.</li> <li>● Pets.</li> <li>● Parking.</li> <li>● Rent.</li> <li>● Repairs and maintenance.</li> <li>● Moving and allocation (other than local authority allocation).</li> <li>● Shared ownership.</li> <li>● Service charges.</li> <li>● Succession.</li> <li>● Tenancy.</li> <li>● Water safety.</li> </ul>

<b>SUGGESTED CATEGORIES OF OUT OF SCOPE INFORMATION</b>	<b>EXAMPLES OF TYPES OF INFORMATION (NOT AN EXHAUSTIVE LIST)</b>
<b>Internal business or commercial activities</b>	<ul style="list-style-type: none"> <li>● Contracts or agreements unrelated to the provision of housing management services (eg payroll services).</li> <li>● HR policies unrelated to social housing management (e.g. disciplinary policy).</li> <li>● Finance policies governing day to day business operations unrelated to the provision of housing management services.</li> <li>● Investment strategies relating to non-social or private housing.</li> <li>● Information which relates to internal discussions and the development of internal policy and strategy before board approval (“pipeline” information).</li> </ul>
<b>Matters decided by local authorities</b>	<ul style="list-style-type: none"> <li>● Housing allocations.</li> <li>● Homelessness assessments.</li> <li>● Housing benefit or council tax-related decisions.</li> <li>● Planning applications and planning enforcement actions.</li> </ul>
<b>Non-social housing management function</b>	<ul style="list-style-type: none"> <li>● Service charges for non-social housing.</li> <li>● Commercial lease management.</li> <li>● Repairs or safety data for market rent homes.</li> <li>● Private rented sector portfolios managed for profit.</li> </ul>
<b>Property that is not social housing</b>	<ul style="list-style-type: none"> <li>● Leasehold properties.</li> <li>● Shared ownership schemes where shared owner has staircased to own 100% of property equity.</li> <li>● Shops; offices; community centres.</li> <li>● Moorings, storage units or other non-residential lets.</li> <li>● Any build-to-rent or for-profit schemes held separately from the PRP.</li> </ul>
<b>Wider activities unconnected with social housing</b>	<ul style="list-style-type: none"> <li>● Group level commercial ventures – e.g.: renewable energy subsidiaries; trading companies; joint ventures for private sale developments.</li> <li>● Care and support contracts delivered on behalf of local authorities (for care and support only).</li> <li>● Commercial investment or treasury activities.</li> </ul>

# Appendix 2:

## [Access to information] [social tenant access to information requirements] policy

[Note to provider: It is up to you how you describe your policy, there is no requirement that says it must be called “STAIRs”. We have included either of these suggested alternatives for you to consider.]

### Policy Aim

This policy aims to ensure that tenants are able to access information from their landlord. The policy sets out how [your organisation] will promote access to information through a formal publication scheme enabling tenants and tenants’ representatives to access information proactively, and to support tenants to make information requests.

### 1. Purpose

This policy sets out how [your organisation] will comply with the government’s Policy Statement entitled the Social Tenant Access to Information Requirements, or “STAIRs”, ensuring transparency, openness and tenant empowerment in being able to hold their landlord to account.

### 2. Scope

This policy applies to all employees of [your organisation] [and third parties contracted to provide social housing management services by [your organisation]] as the Private Registered Provider. STAIRs cover the publication of information, responding to information requests, and reviews and complaints.

### 3. Regulatory Framework

This policy is based on the Social Tenant Access to Information Requirements (“STAIRs”) introduced under the amended Transparency, Influence and Accountability (“TI&A”) Consumer Standard issued by the Regulator of Social Housing (“RSH”). The Ministry for Housing Communities and Local Government (“MHCLG”) has issued a Direction to RSH requiring it to introduce a new Consumer Standard enabling tenants to access information held by Private Registered Providers (“PRPs”). Further to a consultation, RSH has issued an amended TI&A Standard under which PRPs are required to comply with the STAIRs Policy Statement, which sets out the requirements for PRPs to issue a Publication Scheme (Chapter 1), and secondly to respond to information requests from tenants and their representatives (Chapter 2).

STAIRs is designed to enable tenants and their designated representative to be able to access information which supports tenants to know more about how their services are delivered, either through information disclosed as part of a formal publication scheme or by responding to specific requests for information from tenants.

Chapter 1 (requirement to introduce a Publication Scheme) takes effect from 1 October 2026. Chapter 2 (submission of Information Requests) takes effect from 1 April 2027.

### 4. Policy Principles

STAIRs take a principles-based approach in line with the RSH Consumer Standards. Key principles include: transparency, openness, accountability and tenant involvement in how their services are delivered. Under the publication scheme within Chapter 1 of the Policy Statement providers must proactively publish information which they hold and which fall within one or more of the classes of information set out in Table 1 of the publication scheme. The Policy Statement does not provide a prescriptive list as to precisely which documents landlords are required to provide. Instead, providers retain flexibility as to what information they may provide as long as they take a proactive approach to publication. The emphasis of the Policy Statement is in favour of disclosure.

Chapter 2 of STAIRs sets out that tenants (or their designated representative) may make a request for relevant information to their provider. Relevant information is defined as information relating to the management of a registered provider’s social housing. Providers should proactively respond to requests within 30 days, unless there are reasonable grounds to withhold information, such as where the information amounts to a protected class of information under freedom of information or data protection (or other) laws or where the harm caused by the disclosure would outweigh the benefit in the provider disclosing the information. Providers should provide information irrespective of the reasons for the request or how the information

may be used following disclosure, and should disregard any perceived adverse impact or negative publicity which may be caused by the disclosure.

The government's intention to promote transparency and accountability under STAIRs means that PRPs should take a proactive approach to the publication of documents and consider that information ought to be published unless there is a good reason why information ought not to be published.

## 5. The Requirements

The STAIRs scheme has two key phases: Chapter 1 Publication Scheme; Chapter 2 Information Requests. Key requirements for each phase are set out in sections (A) and (B) below.

Information available under STAIRs is generally available free of charge. Where information is required in a non-electronic format, please contact our [to confirm] team to discuss your requirements. [Your organisation] is committed to ensuring that information is made available in a way that is accessible as possible for all our tenants.

### a Publication Scheme (Chapter 1)

A template for a Publication Scheme detailing (i) what classes of information will be published (ii) how that information will be published is set out in Annex 1 to this policy.

### b Information Requests (Chapter 2)

Our process for handling information requests is set out at Annex 2 to this policy.

[Your organisation] will maintain a log of all information requests and timelines for responding to requests for reporting and accountability purposes.

## 6. Out of scope / Withheld information

[Your organisation] is not required to create new information to comply with either the publication scheme or information requests. When considering whether the information should be published, [your organisation] will consider if the information comes within the classes of information set out in Table 1 of the Policy Statement. It may be necessary to redact documents prior to publication.

We have also included in Annex 1 some suggested categories of information which may be out of scope of STAIRs – please note this is not an exhaustive list.

When considering an information request under Chapter 2 [your organisation] will consider whether any information may need to be withheld or redacted in response to your request. Any withholding or redaction of information must be reasonable and in line with the principles set out in paragraphs 14 – 16 of the Policy Statement.

Annex 2 to this policy sets out how we will respond to requests for information and how we will consider “reasonableness” when assessing whether information should be withheld or redacted.

If, on receipt of any response in relation to your request, you consider that information has been redacted or withheld without a reasonable basis for doing so, we refer you to our review process set out in section 7.

## 7. Review and Complaints Process

If you consider that [your organisation] has not published information or responded to your request for information appropriately or you are otherwise dissatisfied with the handling of your request please contact [enter review contact details] to request a review. A request for a review should generally be made within 3 months of receipt of the original decision. The purpose of any review will be to assess:

- i. how we have responded to your request for information (for example, where we may not have provided information in an accessible format);
- ii. where we have not published relevant information that we may hold and which you believe you may be entitled to;
- iii. (where we have not complied with timelines for responding to your request and there is no good reason for us to have applied an extension;
- iv. where we have either withheld or redacted relevant information from disclosure and you disagree with our decision and reasons for this.

We will carry out a review of how we have handled your request (an “internal review”) and aim to respond to your complaint within 30 calendar days of receipt. It may be necessary in exceptional circumstances to extend the timeline for a response – if this is necessary we will let you know at the earliest opportunity. Any extension issued will be reasonable and kept to a minimum.

If you are not happy with our response to your review request, you are able to escalate your complaint directly to the Housing Ombudsman under the terms of the Housing Ombudsman Scheme. The Ombudsman's complaints scheme is available at [website details to be entered once HO publishes STAIRs complaints scheme]. Any complaint to the Ombudsman should generally be made within 3 months of the outcome of your review.

Only matters relating to STAIRs (i.e. the publication of information under Chapter 1 or information requests under Chapter 2) can be addressed as part of a STAIRs review process and then by complaint to the Housing Ombudsman. Please note that if your concern relates to an alleged breach of data protection legislation you should inform us that your issue concerns a data protection complaint, which would then be dealt with via our usual complaints process for data protection matters.

## 8. Data Protection and Security

Data protection laws are directly applicable to housing providers. This means that where any information requested amounts to personal data, or may not be identifiable personal data in isolation but could amount to identifiable personal data when combined with other information, this information may be withheld from disclosure in compliance with data protection laws.

Any requested information which amounts to personally identifiable data will not be disclosable under STAIRs but may be disclosed under data protection laws as a subject access request, where information is sought by the tenant about themselves. Where we consider that your request amounts to request for personal data we will process your request in line with our subject access requests policy available at [please enter details of your DSAR policy here].

For further information as to how we handle your personal data, please see our privacy policy at [enter website address for your organisation's privacy policy].

## 9. Responsibilities

Overall responsibility for this policy lies with [enter senior manager role responsible for this policy]; day to day implementation of this policy lies with [enter job role of individual with responsibility for this policy]. All staff are required to familiarise themselves with the wording and obligations listed under this policy.

## 10. Monitoring and Review

This policy and the STAIRs scheme will be reviewed [annually / regularly] to ensure accuracy and compliance. Audits of the scheme will be carried out on an [annual] basis.

## Policy Review and Oversight Information

**Document Author:** [Name]

**Document Owner:** [Position]

**Legal Advice:** [Details]

**Consultation:** [Details]

**Approved by:** [Board/Committee]

**Review Date:** [Date]

## Equality Impact Assessment Summary

This policy promotes equality by giving all tenants equal access to social housing information. No adverse impact was identified for protected groups

[OR A full Equality Impact Assessment has been undertaken and the following risks identified: list risks here [...]]

However these risks are outweighed by the need for tenants to be able to access information held by their landlord and to scrutinise their landlord's performance in delivering housing management services.

# Annex 1

## Model Publication Scheme Template

This Annex sets out the basis on which [your organisation] will proactively publish information relating to the management of its social housing function. We are committed to being open and transparent about the way we work, the services we provide and the decisions we make.

The information covered by this scheme is included in the classes of information set out in the table below, where this information is held by us. The table sets out a non-exhaustive list of classes of information we routinely publish, how to access them, and any applicable charges. Much of the information may already be freely available on our website.

We publish information within each class which is up to date and correct as at the date of publication and for the previous two financial years, unless stated otherwise.

We have also proposed that for transparency purposes, although not required by the Policy Statement providers may wish to consider including a list of types of information which may be out of scope of Table 1 and not subject to inclusion in their publication scheme. We have included a table with proposed categories of out of scope information at the end of the model publication scheme.

This Scheme will be reviewed at least on an annual basis.

### How will relevant information under STAIRs be published?

Information will be available on our website at [enter webpage details for publication scheme] and will be regularly updated.

### Formats other than online

We are committed to making information listed in our Publication Scheme available free of charge online. If information is required to be provided in an accessible alternative format we also commit to providing a single copy of this information free of charge.

However, where an individual requests additional copies of information, we may apply charges strictly to cover the actual costs incurred in providing additional copies.

Charges may apply for additional copies in the following circumstances:

#### 1. Printed or Hard Copy Documents

- Black and white printing/ photocopying: [XXX] per sheet.
- Colour printing/photocopying: [XXX] per sheet.
- Binding or large volume printing: charged at cost.
- Postage and packaging: charged at Royal Mail rates.

#### 2. Alternative Formats

If information is requested in an alternative accessible format (e.g., large print, Braille, audio format), we will provide the information free of charge.

[We will also provide one translated copy of any information you request free of charge.]

#### 3. No Charge for Inspection

Information may be inspected at our offices by appointment free of charge. Please contact us to arrange an appointment.

### Tenant Feedback on this Publication Scheme

Tenants can provide suggestions for improvements to this Scheme via:

- Tenant portal (if available).
- Email to [confirm contact details].
- Tenant panels / meetings or via your tenant liaison officer.

### Reviews

Should you consider that we have not included information in our publication scheme, or that we have unduly redacted information which you consider ought not to be redacted, please request a review at [enter review contact details]. We will normally complete a review within 30 days.

[Enter your model publication scheme template here. You may want to use the version presented at Appendix 1 of this operational guidance.]

# Annex 2

## Responding to Information Requests

### Who can make requests?

[Your organisation] will respond to Information requests that are made either by a registered tenant with us, or by their designated representative (the scheme is not open to either former or prospective tenants). [Your organisation] will only respond to requests where it can confirm the identity of the requesting tenant and their representative (where appointed). There are no restrictions on tenants as to whom they may choose as their representative.

We will accept requests that are made in writing, including either by email, text message and social media, as long as we can identify who you are. Your request does not have to specifically mention “STAIRs” for it to be considered under the scheme, as long as the request is made in writing and we are able to identify you.

We recognise that certain tenants may require additional support to make a request and we will ensure that appropriate arrangements are in place to support all tenants to be able to exercise their rights under STAIRs.

### How long will it take us to respond?

We will provide an acknowledgement of receipt of your request within [confirm no. of days] working days of receipt.

We will respond to your request within 30 calendar days from receipt of your request, or where the request requires clarification, 30 days from receipt of the clarification. [Your organisation] will take reasonable steps to assist tenants and their representatives where any request requires clarification.

In exceptional circumstances it may be necessary to extend the timeline for a response. Where this is necessary [your organisation] will inform you at the earliest opportunity. Every effort will be made to respond in a reasonable timeframe where any extension is required.

If there is likely to be any delay in providing a response we will ensure that we provide you with a reason for the delay together with our best estimate as to when you may be likely to receive a response.

## Obtaining information from third parties

It may be the case that the requested information is held by a third party responsible for the management of social housing on our behalf. If this is the case [your organisation] will use all reasonable endeavours to obtain the information, taking account of our duty to comply with the requirements balanced against the need for a proportionate approach and the availability of resources. We will keep logs of our contacts where it is necessary to reach out to third parties for the information.

## Refusing to respond to Information Requests

We may refuse to respond to an information request where:

- It is reasonable to withhold the information from disclosure.
- Disclosure of the information may cause harm (where we have reasonably balanced the factors favouring disclosure against the likelihood of any harm arising from that disclosure).
- Your identity (or that of your representative) cannot be established.
- The meaning of the request is not clear and you have not responded to our reasonable efforts to seek clarification.
- The information requested is excluded on the basis that it is not relevant information (i.e. does not come within the scope of an information request under STAIRs).
- The work involved in responding to the request would exceed 18 hours of staff time.
- The request is excessive, in that it is repeated (including where we receive repeated requests from multiple tenants acting in coordination or seeking the same information).
- The request is offensive or communicated in an abusive manner or is clearly intended to otherwise cause disruption to our organisation.

We may also redact information where it is appropriate and reasonable to do so.

## What does “reasonable” mean when responding to requests?

When considering whether it is reasonable to withhold any information in response to your request we are required to have “due regard to” freedom of information and data protection laws (and any other relevant statutes). We are also required to balance factors favouring disclosure against the likelihood of any harm arising from the disclosure.

In having “due regard” a provider must ensure that it gives proper consideration to whether the information falls within a class of information under freedom of information and data protection laws and whether releasing the relevant information could cause harm. “Due regard” means that a provider must consider or take account of a legal principle or legislation, but it does not mean that a provider has to follow that principle automatically. Providers should be able to justify why they consider that protected class under FOIA (or other relevant laws) may apply to the request and record their reasoning.

We will start from the presumption that the information should be disclosed in response to a request unless the information is such that the factors in favour of withholding (or redacting) the information outweigh the benefits of making the information available.

Factors we will take into account when considering the likelihood of harm being caused by the disclosure will include:

- Type of harm – physical, mental, financial, or operational / commercial.
- Severity – how serious could the harm be?
- Likelihood – is harm speculative, possible, or reasonably likely?
- Harm to third parties – e.g., other individuals, third party organisations, whether or not the information is in the wider public interest to disclose or withhold.

For example, there is often a public interest reason in withholding information on the basis that there is a:

- Need to ensure confidentiality around formulation of decisions and pipeline discussions or protect a negotiating position.
- Need to ensure value for money and maintain competitive position in a market.
- Need to ensure the health and safety of any individual or prevent disclosure of information which could prejudice any investigation.

We are also required to take into account that where the relevant information was provided by or relates to a third party, the registered provider must consider the views of that third party regarding the likelihood of any harm. When assessing the risk of harm, our approach is that the reference to “third party” here means any third party or individual (i.e. not solely a body responsible for the management of social housing instructed on our behalf).

In addition, we are not obliged to disclose information under STAIRs where we already provide disclosure of relevant information pursuant to other statutory provisions (for example, we are legally required to provide to Companies House information about our corporate activities, such as the filing of our annual return).

## What other factors will we take into account when disclosing information?

When considering whether or not to disclose relevant information we will not take into account the identity of the tenant nor any purpose to which that information may be put as relevant factors as to whether the information ought to be disclosed. Nor will we take account of any reputational risk or negative public interest for us which may be either caused or inferred by reason of any disclosure. [Your organisation] will ensure that information is published in the spirit of openness and transparency as laid down by the scheme.

Where we either withhold information from disclosure, or we provide information but with redactions we will explain our reasons for this as part of our response. If it is necessary to extend the timelines for a response where we need to consider whether withholding or redacting information is required, we will let you know as soon as possible, together with our likely timeline to provide you with a response.

When disclosing information we will take all reasonable steps to ensure that information is provided in a format which is accessible to you.

# Appendix 3:

## [Access to Information] [Social Tenant Access to Information Requirements] Policy

[Note to provider: It is up to you how you describe your policy, there is no requirement that says it must be called “STAIRs”. We have included either of these suggested alternatives for you to consider.]

This is our plain English version of our [Access to Information] [STAIRs] Policy – a simplified version that uses clear language and straightforward explanations designed for all readers.

This policy explains how you can get information from us about the services we provide. We want everything to be clear and easy to understand.

### 1. What this policy is for

We want to make sure you can easily find or request information about how we run our social housing management services. This helps you understand what we do and hold us to account.

### 2. Who this policy applies to

This policy applies to us as the landlord (or Registered Provider) and everyone who works for us or any other body responsible for managing our social housing on our behalf. This policy is made available publicly so you are able to understand how we will make information available.

### 3. What the rules are

New government rules called STAIRs say that social landlords must publish certain information and respond to information requests relating to how we deliver our social housing activities.

From 1 October 2026: We will start routinely publishing set types of information – this is information you can find without asking us.

From 1 April 2027: You will be able to request information from us – any information not already published you can ask us for it. Any information will generally be made available free of charge.

### 4. Our approach

We aim to be open and transparent. We will publish as much information as we reasonably can. We will generally respond to information requests within 30 days.

### 5. What we cannot share

We will not create new information. Sometimes we must withhold information if it is reasonable for us to do so. We will generally withhold any personal information. If you want to see your personal data you can make a subject access request here [enter link for SAR]

### 6. If you are unhappy with our response

If you think we have not published something we hold and we should have, you can ask us for a review. You can also ask us for a review if you made an information request but you are unhappy with our handling of or response to it. You can ask for a review within 3 months – we will explain how to ask for a review when we send you our response. If you are still unhappy, you can contact the Housing Ombudsman at [website details to be entered once HO publishes STAIRs complaints scheme].

### 7. Who is responsible

A senior manager is responsible for this policy. All staff must follow it.

### 8. Reviewing this policy

We will review this policy regularly to keep it up to date.

# Annex 1: Publication Scheme

We will publish information about how we run our social housing management services. This is to make sure tenants can easily see how decisions are made and what services we deliver.

The information we publish includes different categories, such as how we are governed, how we spend money, and how we manage homes. We will keep this information up to date and publish at least two years' worth unless stated otherwise.

Most information will be published on our website. We can give you the information in a different format, such as large print or audio, or in a different language upon request.

If you would like extra printed copies, we may charge for printing, binding, or postage at cost.

You can view information at our offices for free by booking an appointment.

We welcome tenant feedback about this scheme. You can contact us by email, tenant portal (if available), tenant meetings, or through your tenant liaison officer.

From time to time we may need to redact documents prior to publishing them. If you think something is missing from our publication scheme, or we have removed too much from a document we have published, you can request a review.

# Annex 2: Responding to Information Requests (Tenant-Friendly Version)

You can ask us for information if you are a current tenant or if you choose someone to act for you. We must be able to confirm your identity.

You can make a request in writing, including by email or text message. You do not need to mention STAIRs for your request to count. If you need it we can help you to make a valid request – please speak with your support worker or tenant liaison officer.

We will acknowledge your request within a set number of working days and respond within 30 calendar days. If we need more information from you to understand the request, the 30 days start once you tell us what we need.

In exceptional cases, we may need more time. If so, we will tell you why and when you can expect a response.

If the information is held by another person or organisation providing your social housing on our behalf we will try to get it from them. We will keep a record of our attempts.

We may refuse a request if it is unclear, abusive, or repeated. If answering the request would take more than 18 hours of staff time we may need to

refuse it or ask you to narrow it. We may also refuse if sharing the information could cause harm or if the law prevents us from sharing or if we find it is reasonable to do so.

We will always try to share information unless there is a good reason not to. It doesn't matter why you are asking us for information, or how you plan to use it – we won't take this into account.

If we withhold or remove (redact) information, we will explain why. We may need to balance the benefits of sharing with any risk of harm, such as risk to safety, confidentiality, or business negotiations.

We will consider whether releasing information could harm individuals or third parties, or whether it would break data protection rules. We will also take into account any views of relevant third parties if the information relates to them.

We aim to provide information in a format that is accessible to you. If you would like to view a copy of our full length STAIRs policy please click here [enter website address] or contact [confirm contact details].

# Appendix 4:

## Relevant FOIA classes of information

We have set out below a number of key classes of information under FOIA which may be relevant for you to consider when assessing reasonableness. These may be equally applicable to your assessment as to whether any redactions are required under Chapter 1 of the Policy Statement as well as when considering withholding or redacting information under Chapter 2.

### 1. Personal Data Exemption

Information that would disclose personal data about an identifiable individual cannot be released unless it complies with UK GDPR and the Data Protection Act 2018. PRPs must avoid disclosing any personal data when responding to STAIRs requests. This is consistent with Section 40 FOIA (personal information) and data protection legislation.

Although the data of senior individuals within your organisation amounts to personal data, FOI law is clear that where there is an overriding public interest in ensuring that senior individuals are held accountable for key decisions such that limited personal data relating to their role and function within the organisation may be published. Hence you may consider that information relating to your board, executive teams and other key officers within your organisation ought to be publicly available. Personal data relating to other individuals would be out of scope.

### 2. Commercial Interests/ Commercial Confidentiality

Information may be withheld where disclosure would (or would be likely to) prejudice the commercial interests or commercially sensitive information of a PRP or alternatively, another third party where it can be shown that disclosure would harm their interests. This reflects the exemption in Section 43 FOIA.

Commercial interests means information which may relate to either your commercial interests as an organisation or that of a third party. For example, decisions (or tender submissions) around pricing in relation to third party contracts may be commercially sensitive to both you as a PRP and the third party contractor.

Public authorities commonly cite FOIA in open tenders stating that information relating to a contractor's bid may be published. Providers may consider requesting bidders in a tender process to highlight any confidential information submitted as part of their bid with an explanation as to why such

information should not be disclosed in response to any STAIRs request.

### 3. Health and Safety Exemption

The Policy Statement refers to "harm" when assessing whether disclosure is reasonable. Under FOIA, information may be withheld under Section 38 where its disclosure itself would create a risk to an individual's health or safety — for example, documents exposing IT system vulnerabilities, defective security systems, or CCTV blind spots that could endanger tenants (or other individuals).

This is a narrow exemption: it applies only where releasing the information would create a risk of harm. It does not cover existing health and safety issues such as damp, mould, defective materials, or fire safety concerns, which must always be disclosed so tenants are aware of risks affecting them. The presumption remains in favour of disclosure unless a clear and demonstrable risk of harm would result from publication.

### 4. Confidential Information/legal privilege

Under FOIA, information may be withheld on the grounds of confidentiality where that information has (i) been received from someone else; and (ii) any disclosure of that information would amount to an actionable breach of confidence (i.e. you could be sued for breach as a result of the disclosure). This means that information which was clearly provided to you by a third party in circumstances where that third party clearly expected you to hold that information in confidence and not disclose it publicly may meet the test of reasonableness under STAIRs for either withholding or redacting information.

Additionally, any information you hold which would be covered by legal professional privilege may also be reasonably withheld from disclosure. This would include any legal advice (and information produced for the purpose of obtaining legal advice) and also information produced in anticipation of any legal proceedings or intended (or commenced) litigation.

## 5. Information intended for future publication

This FOIA exemption applies where a provider holds information that has already been clearly designated for future publication. For public bodies, this often covers reports due to be published after an investigation or inquiry. The government's STAIRs consultation response highlights Section 22 FOIA as a relevant consideration when providers assess relevant FOIA exemptions for the purpose of the reasonableness test.

If the requested information is due to be routinely published under a publication scheme, the provider may direct the requestor to that scheme. However, the exemption only applies where there is a clear and specific intention to publish. If publication is not intended or is uncertain, Section 22 cannot be relied upon.

## 6. Information available by other means

Under Section 21 FOIA, information is exempt if it is already reasonably accessible to the requestor, even if access requires payment. Although STAIRs does not explicitly mirror this exemption, paragraph 24 of the Policy Statement requires PRPs to signpost tenants to other relevant sources of information where the provider is aware of them.

Providers should guide requestors to alternative sources only where the provider does not hold the information itself. If the provider holds the information, it must be disclosed. If not, the provider should take reasonable steps to help the requestor identify where the information can be obtained. This duty does not require disproportionate efforts, nor does it allow providers to charge additional fees for offering such assistance.

## 7. Information which may inhibit the free and frank provision of advice or discussion for the purpose of deliberation

Section 36 FOIA is an exemption which applies to public authorities and is designed to enable such bodies to have a "safe space" in which to craft, discuss and receive advice on ideas and the development of public policy. The rationale for this exemption is that if disclosure of information would or would be likely to inhibit the ability of staff to be able to express themselves openly and honestly as part of the process of deliberation and discussion, then this may impair the quality of outcomes or decision-making (the "chilling effect" argument).

We consider there will be two key areas in which this exemption may be relevant to take into account when assessing reasonableness – (i) the provision of advice /exchange of views for deliberation; (ii) the effective conduct of public affairs.

In the context of STAIRs this exemption may be relevant in the context of the development and formulation of key plans and policies that have not already been finalised and which are still being discussed and advised on as an iterative process, prior to such plans being finalised and published. We recognise that in the course of the development of such plans providers have ongoing duties of engagement and consultation with tenants. However, insofar as providers may need a "safe space" in which to formulate their ideas, then this exemption may be relevant consideration for the purposes of the reasonableness test in order to protect those internal deliberations from disclosure pursuant to a STAIRs request.

## Who will be the "qualified person?"

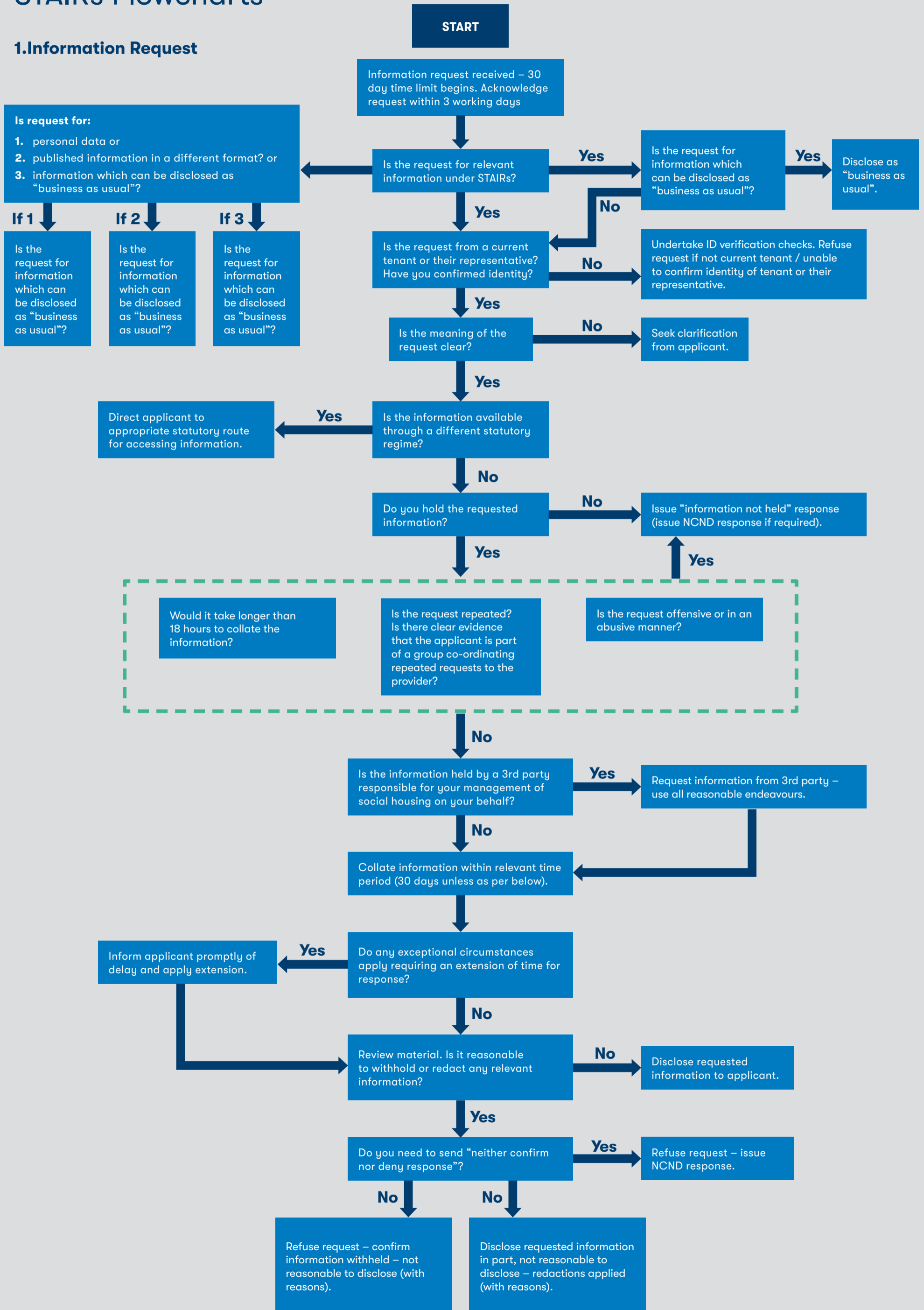
Under FOI law, a "reasonable opinion of a qualified person" is a pre-requisite for the application of this exemption – if the information holder has not obtained a reasonable opinion from a qualified person the exemption cannot apply. In a STAIRs context, to the extent that it may be reasonable to withhold information that may be prejudicial to the business's internal deliberations and its "pipeline" development of plans and priorities, we consider that as long as the organisation is able to provide a statement from a STAIRs lead (or some other senior officer) as to how it is reasonable to withhold the requested information, this would support the RP's submission to the Ombudsman in the event of any complaint.

## 8. Information which may be subject to law enforcement investigations or other proceedings or enquiries.

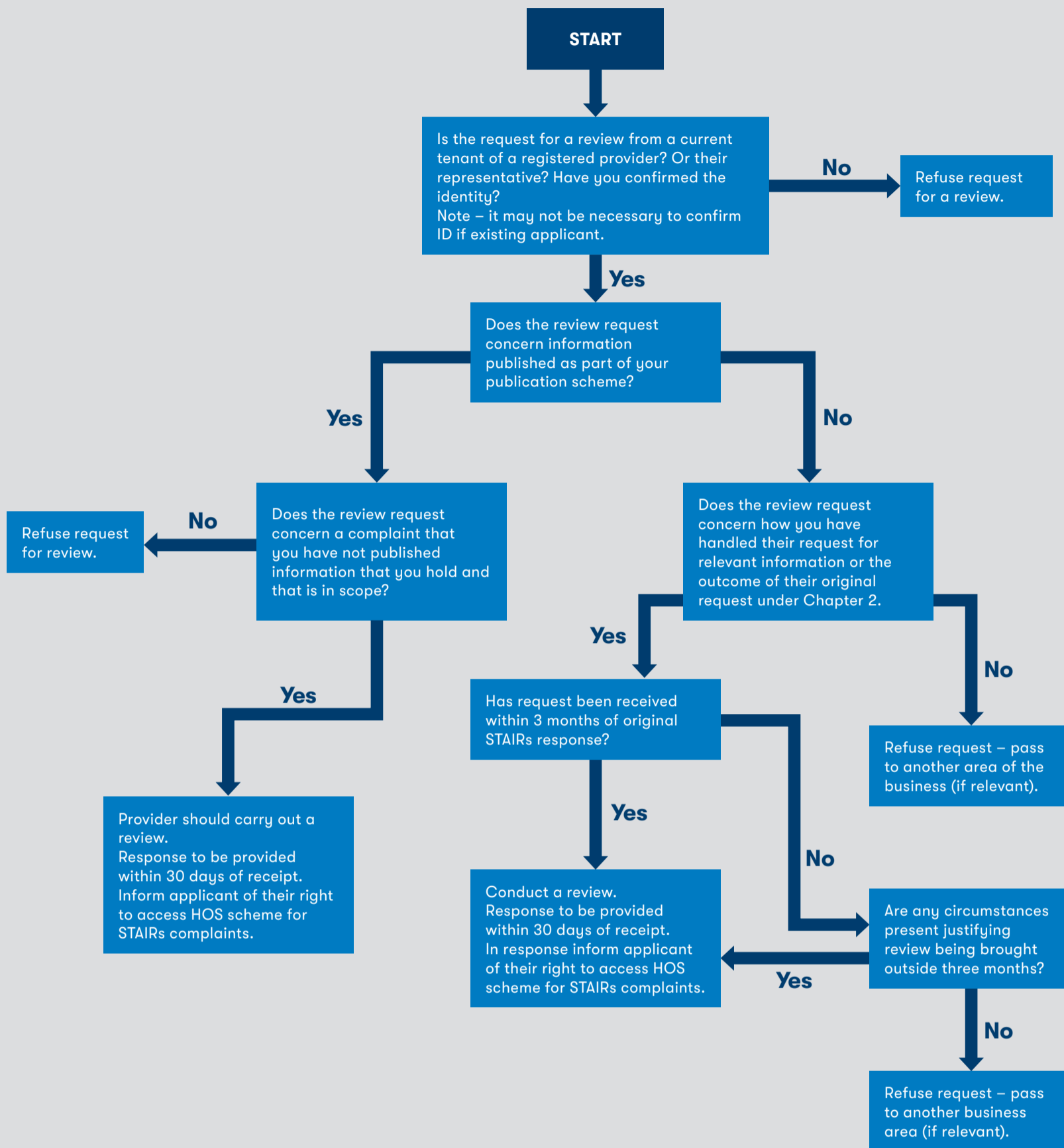
Section 31 FOIA exempts information where disclosure would prejudice criminal or civil proceedings, or functions relating to the investigation of crime or improper conduct by a public body. Although primarily aimed at bodies with statutory investigatory powers, this exemption may be relevant in a STAIRs context where a provider is involved in investigating potential criminal, civil, or regulatory breaches. For example, if the RSH were investigating the mismanagement of an RP, it would be reasonable for the RP to withhold information connected to that investigation in accordance with the reasonableness test under principles reflected in Section 31. Or, if an RP were under investigation by the Health and Safety Executive, and releasing information could impede that process, the RP could withhold it on the basis that disclosure should not undermine another authority's regulatory functions.

# Appendix 5: STAIRs Flowcharts

## 1. Information Request



## 2. STAIRs Review Process Flowchart



**NATIONAL  
HOUSING  
FEDERATION**