



## Declaration of Interest Policy

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### CHA Objectives:

- To provide quality, affordable housing that meets the changing needs of our customers and to ensure fair access to housing within our area.
- To manage the houses provided, in a professional and cost-effective manner, for the benefit of our local community and the environment.
- To provide a first-class maintenance service which offers value for money and ensures the comfort and safety of our residents while achieving high levels of satisfaction
- To ensure that our resources are adequate to deliver our objectives by investing in our people, demonstrating value for money and through robust procurement practices.
- To promote social inclusion by applying principles of equality and diversity to everything we do.

### Regulatory Standards:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these objectives.
- The RSL manages its resources to ensure its financial well-being while maintaining rents at a level that tenants can afford to pay.
- The governing body bases its decision on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
- The RSL conducts its affairs with honesty and integrity.
- The governing body and senior officers have the skills and knowledge they need to be effective.
- The RSL ensures that any organisational changes or disposals it makes safeguard the interests of, and benefit, current and future tenants.

***Any material breach or non-compliance with legislation/regulatory requirements in relation to this Policy constitutes a Notifiable Event and the Regulator will be informed via the SHR Portal.***

***If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.***

## **Introduction**

This policy intends to comply with the Scottish Housing Regulator's Regulatory Standards of Governance and Financial Management, the Association's Code of Conduct, Entitlements, Payments and Benefits Policy, Standing Orders, Membership Policy and Association Rules.

The Association is committed to the highest standards of conduct, honesty, integrity and probity and is also committed to open communication and accountability in decision-making, both at Management Committee/Governing Body and operational level.

## **Purpose**

The Association acknowledges and respects that Staff and Governing Body Members alike have, and are entitled to, a private life that extends beyond their employment or involvement with the Association. It recognises however, that certain aspects of their private lives can potentially impact on their ability to fulfil their role as an employee or Governing Body Member. In broad terms, such possible conflicts can arise as a result of the personal, financial or social interests an individual may have.

This policy sets out the practical steps which governing body members and employees of Clydebank Housing Association (CHA) must take to declare and manage any personal, financial or commercial interests which may be relevant to the work which we do. (**Appendix A** gives more details on declaring interests).

This Policy applies to all of our people. This term covers:

- The Association's governing body members, including members of the CHA Management Committee, Subsidiary companies and sub-committees
- CHA's employees, including people working with us on fixed term contracts, agency workers, staff on secondments and students on a placement with CHA
- Volunteers involved in our service delivery or governance

CHA governing body members and employees must declare any interests that relate to the work of CHA's wholly owned subsidiaries - CHA Power Limited and Radnor Park Homes Limited. CHA Power Limited Board members must declare any interests that relate to the activities of CHA.

## **Declaration of Interest**

In order to achieve the highest standards of integrity in the management of the Association, Committee and Staff must ensure that all duties are carried out in an open and accountable fashion and that potential conflicts are actively and appropriately managed.

It is therefore the responsibility of each individual member of Committee or Staff to: -

- Recognise that his/her overriding duty is to the tenants of the Association.
- Do nothing that could not be justified to the Committee, to tenants and other customers, to the membership or to the public.
- Remember that it is not enough to avoid actual impropriety and that he/she should at all times avoid situations, which could give rise to suspicion or the appearance of improper conduct.

The CHA Code of Conduct require Governing Body members, employees and volunteers to:

- **Declare promptly** any personal, financial or business interests you and people closely connected to you may have that are relevant to our business and our current or future decisions;
- **Record these interests** in the Register of Interests and keep your entry in the Register accurate and up to date;
- **Not play any part in discussions or decisions** relating to an interest you have declared, unless permitted by this Policy.

Each Committee or Staff member should: -

- Disclose precisely any direct or indirect interests which might influence judgement or give the impression that the member or employee was acting for personal motives. Any individual declaring such an interest should withdraw from that part of any meeting in which such matters are discussed unless specifically invited to remain.
- Ensure that private or personal financial interests never influence decisions and that his or her position, as a member of the Management Committee or Staff, is never used for personal gain.
- As a general rule, it is prohibited to use contractors and consultants employed by the Association (details contained within the Entitlement, Payments and Benefits Policy and updated regularly). However, where it is unavoidable, Committee and staff must ensure that no special advantage is gained by using the services of a consultant, contractor, professional advisor or other individual or firm that works for the Association. If it is intended to use the services of any such body or individual, the arrangement should be declared to the Secretary before the transaction takes place. If the Secretary is involved, he/she should declare his/her interest to the Management Committee. If this only comes to light after the event, then a subsequent declaration must be made as soon as possible thereafter.

## Procedure

The Association will maintain a Register of Interests of individual members of Committee and Staff which discloses, at a minimum, their employment, positions of public responsibility, membership of other Housing Associations or Co-operatives and any financial interests which they or their relatives may have, relating to the work of the Association. (**Appendix A** gives more details on declaring interests).

The Chief Executive will, under delegated authority, maintain the “Register of Interests” in line with this Policy and the Association’s Code of Conduct for Staff and Committee. All members of the Management Committee and employees will be invited to complete a Declaration of Interest form (**Appendix B/C**) on an annual basis. If no interests exist, a declaration should be made to that effect.

Clydebank Housing Association will require staff on appointment and on an annual basis thereafter, to complete a form to register any personal interests that could potentially conflict with their role. All staff will be required to complete a new form (or amend the existing form) whenever there is a material change.

As stated in the Code (provision B2), you must keep your entry in the Register of Interests up to date, add any new interests as soon as they arise, and amend existing interests as soon as any change takes effect.

Completed forms should be submitted to the Chief Executive who will record the details in the Register.

Governing body members and employees are personally responsible for keeping their declaration of interests accurate and up to date at all times. Any failure to make a complete, accurate and prompt declaration - whether deliberately or through taking insufficient care - will be regarded as a breach of this Code.

The details of the register (which will be made available for public inspection) should be reviewed and updated regularly and at least once a year, immediately after the AGM. A full report of all declaration of interests will be submitted annually in September to the Management Committee following the AGM appointments.

The contents of the Register will be used as an aid to decision-making (for example, in relation to allocation of properties, recruitment, procurement etc.) and service delivery (for example, if measures are needed to avoid staff involvement in managing the tenancy of someone they are related to).

## **Conduct at Meetings and Involvement in Decision Making**

Governing body members or employees must always inform the person chairing a meeting, if a matter in which they have a personal, business or financial interest is to be discussed as part of the agenda. You should do this at the start of the meeting, or as soon as you become aware that this is the case. Declarations made at meetings will be recorded in the minutes of the meeting, along with a statement of action taken in response to the declaration.

If they have a declared interest, they will be required to take no active part in the meeting while the matter is discussed and voted on and may be required to leave a Management Committee or sub-committee meeting. This requirement shall generally not apply in the following circumstances, where the declared interest is not of a personal, business or financial nature, as set out in the CHA Rules and Code of Conduct:

- Governing body members who are tenants or factored owners can take part in discussions and vote on all general policy and performance matters, unless the matters being discussed relate specifically to their own tenancy or factoring agreement, or to the tenancy/factoring agreement of someone they are closely connected to.
- Governing body members who are directors of CHA Power Limited can take part in discussions and vote on matters relating to CHA's relationship with CHA Power Limited,
- Governing body members who are also members of other groups (e.g. community groups or a Registered Tenant Organisation) can take part in discussions and vote on all general policy and performance matters but should leave the meeting during any discussions or votes relating to contractual arrangements with, or funding for the group they are involved with

## Related Policies

CHA's governing body members and employees must also comply with the following related policies:

- Entitlements, Payments and Benefits Policy
- Gifts & Hospitality Policy
- Donations Policy
- Code of Conduct for Governing Body Members
- Code of Conduct for Staff Members
- Equality and Diversity Policy

## Equality and Human Rights

We will not discriminate on the grounds of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, and Sexual Orientation. An Equality Impact Assessment has been carried out and none of these protected groups will be unduly affected by this Policy. The Policy applies to all.

The Association will provide equality of opportunity and fair treatment for all, ensuring that no individual or group is treated less favourably than anyone else. We work closely with community stakeholders, to provide assurance that we are achieving these aims.

The Association will meet, and where appropriate exceed our obligations under the **Equality Act 2010**, including the general equality duty in the Act, to ensure we do not discriminate against, harass or victimise a person because they have one or more of the nine protected characteristics described in the Act.

An Equality Impact Assessment has been carried out as part of the review of this policy, in order to assess where the aims of this policy may have a positive, negative or neutral impact upon any of the nine Protected Characteristics set out in the Equality Act 2010

### For Office Use Only – Required Actions

Customer Consultation Required/Arranged	No
Intranet Update	Yes
F Drive Update	Yes
Website Update	Yes
Leaflet change required?	No
Newsletter Promotion?	No
Other information updated, e.g. posters, automatic email responses, post cards, answering machine messages, etc.	No
Equality Impact Assessment completed	Yes

## Declaring and Managing Personal Interests

### 1. Overview

- 1.1 Being a member of Clydebank Housing Association staff is of course only one part of your life. Other aspects of your life - such as family, friends and neighbours, voluntary work, causes you support, possibly business or financial interests, possibly your own housing arrangements - may have the potential to cross over into your role as a staff member.
- 1.2 However, as we are an organisation that works for the community [and uses public funds], it is essential that there is no conflict - and that there can be no reasonable perception of conflict - between your duties as a member of staff and your personal (or personal business or financial) interests.
- 1.3 Any potential conflict between your position as a member of our staff and your other interests must be openly declared and effectively managed to protect the good reputation of Clydebank Housing Association and the RSL sector.
- 1.4 Where you have a personal business or financial interest in any matter that is relevant to our activities or is being considered (or is likely to be considered) or you know that someone to whom you are closely connected has such an interest, you must declare it promptly and record it in the Register of Interests.
- 1.5 This Appendix gives further guidance on how to declare and manage any personal (including personal business or financial) interests.

### 2. Examples of interests that must be declared

- 2.1 The following are examples of the kind of interest that you must declare. Please note that this list is not exhaustive, and there may be other interests that you should also declare.
  - Tenancy of a property (by you or someone to whom you are closely connected) of which we are the landlord.
  - Occupancy or ownership of a property (by you or someone to whom you are closely connected) which is factored or receives property related services from us.
  - Receipt of care or support services from us.
  - Membership of a community or other voluntary organisation that is active in the area(s) we serve.

- Voluntary work with another RSL or with an organisation that does, or is likely to do, business with us.
- Membership of the governing body of another RSL.
- Being an elected member of any local authority where we are active.
- If you purchase goods or services from us.
- If you purchase goods or services from one of our contractors or suppliers.
- Significant shareholding in a company that we do business with.
- Membership of a political, campaigning or other body whose interests and/or activities may affect our work or activities.
- Ownership of land or property in our areas of operation excluding for the purpose of your own residential use (i.e. there is no requirement for you to declare any house in which you currently live).
- Unresolved dispute relating to the provision of services in connection with a tenancy or occupancy agreement or a contractual dispute over the provision of goods or services with us.

2.2 If you are not sure whether a certain matter needs to be declared, you must seek guidance from your manager or from the Chief Executive. If doubt remains, the advice would always be to declare the matter.

2.3 You should note that in some circumstances, declaration of an interest may not be sufficient, and that it may be necessary for the organisation to take additional measures to deal satisfactorily with the situation so as to protect the probity and reputations of both yourself and the organisation.

### 3. Definition of 'close connection'

- 3.1 Someone 'closely connected' to you includes family members and persons who might reasonably be regarded as similar to family members even where there is no relationship by birth or in law.
- 3.2 As well as considering your own actions, you must be aware of the potential risk created by the actions of people to whom you are closely connected. Who you should consider, and or expectations of you to identify and declare such actions are outlined in Table A.

**Table A**

<b>Group</b>	<b>Required Response</b>
<p><b>1. Members of your household</b></p> <p>This includes:</p> <ul style="list-style-type: none"><li>• Anyone who normally lives as part of your household (whether related to you or otherwise)</li><li>• Those who are part of your household but work or study away from home</li></ul>	<p>We expect you to be aware of and declare any relevant actions of all people in your household. You must take steps to identify, declare and manage these.</p>
<p><b>2. Partner, Relatives and friends</b></p> <p>This includes:</p> <ul style="list-style-type: none"><li>• Your partner (if not part of household)</li><li>• Your relatives and their partners</li><li>• Your partner's close relatives (i.e. parent, child, brother or sister)</li><li>• Your close friends</li><li>• Anyone you are dependent upon or who is dependent upon you</li><li>• Acquaintances (such as neighbours, someone you know socially or business contacts/associates)</li></ul>	<p>Where you have a close connection and are in regular contact with anyone within this group, we expect you to be aware of and declare any relevant actions. Under these circumstances, you must take steps to identify, declare and manage these actions.</p> <p>Where you do not have a close connection and regular contact with someone in this group, we do not expect you to be aware of or to go to unreasonable lengths to identify any relevant actions. However, if you happen to become aware of relevant actions by such individuals, then these should be declared and managed as soon as possible.</p>



## What You Need To Consider

3.3 The following are the relevant actions /involvement by those to whom you are closely connected that you should consider, declare and manage as per our expectations outlined in Table A:

- A significant interest in a company or supplier that we do business with. A significant interest means ownership (whole or part) or a substantial shareholding in a business that distributes profits but does not include where an individual has shares in large companies such as banks, utility companies or national corporations, i.e. where owning shares would not give the individual any significant influence over the activities of that organisation.
- Where the individual may benefit financially from a company with which we do business
- Involvement in the management of any company or supplier with which we do business
- Involvement in tendering for or the management of any contract for the provision of goods or services to us.
- Application for employment with us.
- Application to join our Board or any of its subsidiaries
- Application to be a tenant or service user of the organisation
- If they are an existing tenant or service user of the organisation

**DECLARATION OF INTEREST**

1) Name: \_\_\_\_\_

2) Occupation: \_\_\_\_\_

3) Employer: \_\_\_\_\_

4) Date of election to Management Committee \_\_\_\_\_

5) NI Number \_\_\_\_\_

6) Date of Birth \_\_\_\_\_

7) Are you:            A tenant of CHA            Factored owner/S/O of CHA  
                                 Other RSL Tenant            Other  
  
                                 (please circle)

7) Do you have any close family members who are either tenants of CHA or are owners who receive factoring services from us (i.e. spouses, children or stepchildren)?            If            yes,            please            detail  
\_\_\_\_\_

8) List details of memberships of other Housing Associations/Co-operatives: -  
\_\_\_\_\_  
\_\_\_\_\_

8) List details of any positions of public responsibility held: -  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9) **If you have no interest to declare**, please sign the following statement and return the form to the Secretary. Otherwise, complete questions 10 – 11: -

“Neither I, nor any member of my family or anyone closely connected to me have any financial interests or other interests or relationships which are in any way relative to the work of the Association.”

Signed \_\_\_\_\_ Date \_\_\_\_\_

**If you have an/interest(s) to declare, please complete the following where applicable: -**

10) List any financial interests you, your family or someone closely connected to you have which are, or may be, relative to the work of the Association: -

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11) List below details of any non-financial interests or relationships which you or any member of your family or someone closely connected to you have which are, or may be, relative to the work of the Association: -

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Signed \_\_\_\_\_ Date \_\_\_\_\_

**DECLARATION OF INTEREST**

1) Name: \_\_\_\_\_

2) Job Title: \_\_\_\_\_

3) Date of Commencement of Employment: \_\_\_\_\_

4) **If you have no interest to declare**, please sign the following statement and return the form to the Secretary. Otherwise, complete questions 6-9: -

“Neither I, nor any member of my family or anyone closely connected to me have any financial interests or other interests or relationships which are in any way relative to the work of the Association.”

Signed \_\_\_\_\_ Date \_\_\_\_\_

Date of Birth \_\_\_\_\_

**If you have an/interest(s) to declare, please complete the following where applicable: -**

6) List details of memberships of other Housing Associations/Co-operatives: -

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7) List details of any positions of public responsibility held: -

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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8) List any financial interests you, your family or someone closely connected to you have which are, or may be, relative to the work of the Association: -

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9) List below details of any non-financial interests or relationships which you, any member of your family or someone closely connected to you have which are, or may be, relative to the work of the Association: -

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Signed \_\_\_\_\_ Date \_\_\_\_\_

Date of Birth: \_\_\_\_\_