

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: Conflicts of Interest

Date: 28th of August 2024

Lead Officer: Chief Executive

Review Date: 25th of August 2027

Regulatory Standards:

Standard 1 The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

Guidance 1.6 Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.

Standard 5 The RSL conducts its affairs with honesty and integrity.

Guidance 5.4 Governing body members and staff declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.

CHA Rules: 37.7.3; 37.7.3.1; 37.7.3.2; 38.2; 38.3

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.

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1. Purpose of this Policy

- 1.1 This Policy describes the practical steps governing body members and employees should take to declare and manage any personal, financial or business interests that are relevant to our business. The term “employees” covers permanent and temporary staff, agency workers and people seconded to us.
- 1.2 The Policy applies to all members of Clydesdale Housing Association (CHA). This means that:
 - The Association’s Committee members and employees must declare any interests that relate to CHA’s work.

2. Code of Conduct Requirements

- 2.1 This Policy is consistent with our Codes of Conduct for Governing Body Members and Staff. The Codes of Conduct ensure that we comply with charity law, our Rules and the Scottish Housing Regulator’s Regulatory Standards of Governance and Financial Management.
- 2.2 As a Committee or staff member, the Codes of Conduct require you to declare openly, and manage effectively, any potential conflict between your role with us and your other interests. This means that you must:
 - 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 complete, accurate and up to date;
 - Not play any part in discussions or decisions on matters affected by the interest you have declared, unless permitted by this Policy.

3. Related Policies

- 3.1 You must also comply with our Policy on Entitlements, Payments and Benefits. These policies require you to make an entry in the Entitlements, Payments, Benefits, Gifts & Hospitality Register if:
 - You (or someone closely connected to you) have a personal or financial interest in the granting of a tenancy; an offer of employment; the sale or purchase of land; or the supply of goods and services to us.
 - You are offered any gifts or hospitality (whether gifts are accepted or declined).
- 3.2 You must also comply with our **Policy on Ant-Bribery**, which absolutely prohibits any governing body member or employee offering, seeking or accepting any kind of bribe.
- 3.3 Other Related Policies:
 - Code of Conduct for Staff
 - Code of Conduct for Governing Body Members

- Privacy
- Equal Opportunities

4. Completing a Declaration of Interests Form

- 4.1 All Committee members and employees must complete the attached declaration of interests form. This sets out the range of interests governing body members and employees are required to declare, including in some cases the interests or activities of people who are closely connected to them. The Guidance Notes for Completion attached to the form explain the meaning of the term “closely connected”.
- 4.2 The form will provide a snapshot of your interests at the date on which you complete the form and we will also ask you to review your declared interests annually. As well as taking part in annual updates/reviews, you are personally responsible for keeping your Register of Interests entry up to date at all times, by declaring any changes as soon as they occur (e.g. any new interests that have arisen; any changes to interests already declared).
- 4.3 Declarations relating to Gifts and Hospitality: CHA’s Policy on Entitlements, Payments and Benefits provides details of what gifts and hospitality are permitted. All gifts and hospitality offered, whether accepted or declined, must be recorded in the Entitlements, Payments, Benefits, Gifts & Hospitality Register immediately. Entries to the Register will be made by the Corporate Services Team on receipt of written notice from the Committee or staff member concerned that should contain the following information:
- The date of the offer and who made it
 - A description of the gifts or hospitality offered to you, including the estimated value
 - Whether you accepted or refused the offer
 - Any additional comments (e.g. gift accepted but it was passed on to the Association to donate to charity)

You should send a copy of the information above to your head of department (employees) or the Chief Executive or Chairperson (governing body members).

- 4.4 Declarations relating to Payments and Benefits: Payments and benefits to Committee members and employees are subject to the controls set out in our Policy on Entitlements, Payments and Benefits.
- 4.4.1 Committee members and employees are responsible for declaring relevant interests that they are aware of, as set out in the declaration of interests form.
- 4.4.2 The Association is responsible for ensuring that any required entries are made in the Register after a payment or benefit has been granted to a governing body member, employee or someone closely connected to a governing body member or employee. Where required, entries in the Register will record:

- Description of the payment or benefit
- Name of person or business receiving the payment or benefit
- The recipient's status (e.g. Committee member, employee, or relationship with a Committee member or employee)
- Value of the payment or benefit (if it has a monetary value)
- Date of Committee meeting at which the payment or benefit was approved (if such approval was required).

5. Register of Interests

- 5.1 Overseen by the Secretary, the Corporate Services Team will administer the Register of Interests for the Association. They will do this by sending out forms for initial completion and annual updating.
- 5.2 You should contact the Corporate Services Team about any changes or updates as soon as they arise. Procedures for doing this are described in the Guidance Notes accompanying the declaration of interests form. You should use the same procedure to declare any offers of gifts or hospitality, as and when you receive these.
- 5.3 Information in the Register of Interests will generally be available for public inspection. You should inform your head of department (employees) or the Chairperson and Chief Executive (governing body members) if there are any reasons why public disclosure of a particular relationship or interest would be inappropriate.

6. Information Collected from Service Users and Suppliers

- 6.1 Our codes of conduct recognise that Committee members and employees are not always aware of the actions of family members and friends and should not be required to conduct research into this. Accordingly, we will ask service users and suppliers to tell us about any close connection they may have to Committee members and employees. Our approach to doing this will be risk-based. We will focus our resources on areas where a failure on our part to identify any close connections could damage our reputation or could undermine community confidence in the fairness and objectivity of our decisions.
- 6.2 Applying these principles, we will always ask for information about any connections to Committee members and employees in the following service/business areas:
- Housing application forms
 - Job application forms
 - Documentation relating to the purchase or sale of land or property
 - Company information forms for businesses on our lists of approved suppliers or contractors, where the annual value of work placed exceeds or is likely to exceed £1,000

- Tender lists or procurement documentation, including pre-qualification questionnaires

7. Checking for Relevant Interests When Decisions Are Being Made

- 7.1 The responsible staff member should check the Register of Interests and any disclosures provided by applicants for housing, employment, commercial contracts etc., and note any interests or connections in the relevant files and systems.
- 7.2 If an interest has been declared in the Register or the relevant applicant/supplier form, the potential conflict of interest should be managed by following:
- The policy/procedures for the business area concerned and, where relevant,
 - The procedures for decision-making set out in the Entitlements, Payments and Benefits Policy (including any requirements for Committee approval, as set out in the Policy).
- 7.3 If the procedures to be followed are unclear, staff should refer the matter to their head of department for further guidance, as required.

8. Conduct at Meetings and Involvement in Decision Making

- 8.1 You must always inform the person chairing a meeting, if you are attending a meeting and a matter in which you have a personal, business or financial interest is to be discussed. You should do this at the start of the meeting, or as soon as you become aware that this is the case. Any interests declared at meetings will be recorded in the minutes of the meeting, along with a statement explaining what action was taken in response to the declaration.
- 8.2 Unless the Committee decides otherwise, the following circumstances shall generally be exempt from the requirement to leave meetings. The rationale is that declared interests in these cases will not always involve personal, business or financial interests:
- Committee 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
 - Committee members who are also members of other groups (e.g. community groups or a Registered Tenants Organisation) can take part in votes on all general policy and performance matters, but should leave the meeting during any discussions or votes relating to contractual arrangements with/funding for the group they are involved with.
- 8.3 If Committee approval is required under our Policy on Entitlements, Payments and Benefits, the management Committee (or a Sub-Committee with delegated authority) will require anyone affected by a declaration of interest to withdraw from the Committee meeting while the matter is discussed and decided.

9. Conflicts of Interest

- 9.1 A declaration or conflict of interest will not by itself prevent the Management Committee from approving a particular course of action if the course of action is lawful and is consistent with our policies. For example, our Policy on Entitlements, Payments and Benefits sets controls on payments and benefits, but does not prohibit them in every circumstance since that would unfairly disadvantage Committee members and their families.
- 9.2 There are some types of conflicts of interest that would make a Committee member's position untenable. For example:
- Committee members must never have a financial interest in any business trading for profit that is seeking to enter into a business relationship with the Association.
- 9.3 Each Committee member must always act in the best interests of the Association and its tenants and service users, and must not place any personal or other interest ahead of their primary duty to CHA.
- 9.4 If a Committee member has a major or ongoing conflict of interest that impairs their objectivity or their ability to act in our best interests, they should consider resigning. Alternatively, the remaining members of the Management Committee may seek the member's resignation.

10. Compliance with this Policy

- 10.1 This Policy has been adopted, to help ensure that our affairs are conducted with honesty and integrity. Failure to comply with this Policy may result in disciplinary action against Committee members or employees, in line with the Association's codes of conduct and our procedures for addressing alleged breaches.

11. General Data Protection Regulations (GDPR)

- 11.1 We recognise the importance of data protection legislation in protecting the rights of individuals in relation to personal information that we may handle and use about them. We will ensure that our practices in the handling and use of personal information during the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer.

12. Equality Impact Assessment

- 12.1 This Policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.

13. Policy Review

- 13.1 This Policy will be reviewed every three years or earlier in line with regulatory or legislative guidance/changes or good practice guidelines.

DECLARATION OF INTERESTS BY GOVERNING BODY MEMBERS AND EMPLOYEES	
Your Name:	Job Title/Role:
Part 1: Checklist for identifying interests you should declare (please tick Yes/No for all questions). Please see attached guidance notes for completion. Where answering "Yes" to any question, please provide details in Part 2.	
YOUR OWN INTERESTS	<input type="checkbox"/> Yes <input type="checkbox"/> No
1. Are you a tenant of CHA, or on our list for rehousing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Do you receive any other services from CHA? (e.g. factoring services for a property you own)	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Are you a member or director of any other voluntary or community organisations that are active in our local area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Do you do paid or voluntary work with any organisation that does, or is likely to do, business with CHA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Do you have a financial or business interest* in any company that does, or may seek to do, business with CHA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Are you an elected member of South Lanarkshire Council or a Board member of any other housing association?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Are you a member of any political, campaigning or other body whose interests and/or activities may affect our work or activities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Have you purchased goods or services from any of our contractors/suppliers? – refer to the list of contractors/suppliers <i>Reminder: In order to help us maintain our excellent reputation, where possible you should avoid using CHA's contractors/suppliers for your own personal purposes. If this is unavoidable, you must refer to Section 4 of the Policy on Entitlements, Payments and Benefits and obtain CHA's approval before using one of CHA's contractors/suppliers.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Do you own any land or property in our area of operation? (excluding any house in which you normally live)	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Are you involved in any unresolved dispute with CHA or any of its contractors or suppliers? (e.g. in relation to the provision of services, a tenancy agreement or lease, or a contractual dispute)	<input type="checkbox"/> Yes <input type="checkbox"/> No

THE INTERESTS OF PEOPLE YOU ARE CLOSELY CONNECTED TO (see attached notes on completion for guidance) <u>To the best of your knowledge:</u>	
11. Is anyone closely connected to you a tenant of CHA, or on our list for rehousing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
12. Does anyone closely connected to you receive other services from CHA? (e.g. factoring services for a property they own)	<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Is anyone closely connected to you a Committee member of CHA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Is anyone closely connected to you an employee of CHA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
15. Is anyone closely connected to you currently seeking employment with CHA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
16. Does anyone closely connected to you have a financial or business interest in any company that does or may seek to do business with CHA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
17. Do you, or anyone closely connected to you, have any other interests that you should declare because they are relevant to our activities or to your role as a Committee Member or employee of CHA?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part 2: Description of the interests you are declaring

For the boxes in Part 1 where you have ticked "Yes", please provide details of the interest you are declaring. Please provide enough information to make clear what interest you are declaring and who the declaration relates to.

<p>Please note that we are required to maintain a Register of declared interests and that this will generally be available for public inspection on request. Is there any reason why any of the information in this declaration of interests should be regarded as confidential? If yes, please provide brief details.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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The information provided in this declaration is truthful and accurate, to the best of my knowledge.

I agree to update my declaration if there are any changes or additions to the interests I have declared.

I also agree to make a declaration for inclusion in the **Entitlements, Payments, Benefits, Gifts & Hospitality Register** if I receive any offer of gifts or hospitality, or if I receive any payments or benefits that need to be declared under the **Entitlements, Payments and Benefits Policy**.

Signed: Date:

Guidance Notes for Completion

To make the declaration easy to complete, the form is in two parts:

In part 1, tick “Yes” or “No” for all of the questions that are asked.

In part 2, provide a brief description of the interest you are declaring for each of the questions you ticked as “Yes”.

Most of the questions relate to your own interests, but some of the questions ask about people you are “closely connected to”. This term is used in our Entitlements, Payments and Benefits Policy, please see the relevant parts of this Policy reproduced below.

If you are in any doubt about whether you need to declare an interest, you should always seek advice from your head of department (employees) or from the Chief Executive or Chairperson (governing body members).

A good test is to ask yourself how an interest or relationship, if not disclosed and recorded in the Register of Interests, might be seen by rent-payers, members of the local community or the media.

The Corporate Services Team will ask you to review your declaration of interests every year and will record the interests you declare in the Register of Interests.

You yourself should contact the Corporate Services Team with details of any changes or updates as soon as they arise. You should ideally contact the Corporate Services Team by e-mail, copying the e-mail to your head of department (employees) or the Chairperson and Chief Executive (governing body members). If you do not have access to e-mail, please speak to the Corporate Services Team face to face or by telephone.

You should use the same procedure to:

- Declare any offers of gifts or hospitality as and when you receive these (seeking guidance if you are unsure about whether an offer can be received or not);
- Declare any interests that need to be recorded under our Policy on Entitlements, Payments and Benefits.

The following extracts from the Policy on Entitlements, Payments and Benefits contain the following guidance on declarations relating to people you are “closely connected to”.

Policy on Entitlements, Payments and Benefits Extract

3. Definition of 'close connection':

- 3.1 Someone 'closely connected' to you includes members of your household, family members and other relatives and your friends.
- 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 our expectations of you to identify and declare such actions are outlined in Table A on page 8? If you are in any doubt about whether or not a declaration is required, you should consult the Chair, CEO or, for staff, your line manager.:

TABLE A

Group	Required Response
<p>1. Members of your household</p> <p>This includes:</p> <ul style="list-style-type: none"> • Anyone who normally lives as part of your household (whether related to you or otherwise) • Those who are part of your household but work or study away from home 	<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>2. Partner, Relatives and friends</p> <p>This includes:</p> <ul style="list-style-type: none"> • Your partner (if not part of household) • Your relatives and their partners • Your partner's close relatives (i.e. parent, child, brother or sister) • Your friends • Anyone you are dependent upon or who is dependent upon you 	<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 (please be aware that this list is not exhaustive or exclusive):

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- A significant interest in a company or supplier that we do business with (or are considering doing 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 (or are considering doing business with)
- Involvement in the management of any company or supplier with which we do business (or are considering doing business with)
- 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 committee.
- Application to be a tenant or service user of Clydesdale Housing Association.