



Clydesdale Housing Association

Policy name & number **02- Governance and Accountability
Disclosure of Interest Policy**

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Policy by **Joe Gorman**

Responsible Officer **Chief Executive**

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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AIM

- 1.1 To provide guidance to underpin good governance and ensure that there is no conflict - and that there can be no reasonable perception of conflict - between a Staff or Committee Member and their personal (or personal business or financial) interests.
- 1.2 To ensure that any personal (or personal business or financial) interests are declared in accordance with the Code of Conduct for Committee Members and the Code of Conduct for Staff.
- 1.3 To ensure high standards of conduct and probity, openness and transparency which are underpinned by the Scottish Housing Regulator's Guidance Note 5 *Regulatory Standards of Governance and Financial Management* which states in its Standard 5:
 - 5.1 The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector. and
 - 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.

INTRODUCTION

- 2.1 This policy clarifies the position in respect of personal interest and declaration of interest.
- 2.2 This policy is applicable to Committee Members and staff, and those persons who may be considered to have 'close connection' to either. Close connection is defined at Appendix 3.

GENERAL RULES

- 3.1 Committee Members and Staff should:
 - a) recognise that the overriding duty in their remit as a Committee Member, or a member of Staff, is to Clydesdale Housing Association (CHA);
 - b) do nothing as a Committee Member or employee that could not be justified to the Committee, to the tenants and sharing owners, to the membership or to the public; and
 - c) remember that it is not enough to avoid actual impropriety and that they should at all times avoid situations which could give rise to suspicion or the appearance of improper conduct.
- 3.2 A Committee Member must declare to the Chairperson at meetings any financial or non-financial interests that may be considered to bring about a conflict with CHA's interests. Examples of interests that must be declared are highlighted below:
 - a) Tenancy of a property (by the disclosee or someone to whom the disclosee is closely connected) of which CHA is the landlord;
 - b) Occupancy or ownership of a property (by the disclosee or someone to whom the disclosee is closely connected) which is factored or receives property related services from CHA;
 - c) Membership of a community or other voluntary organisation that is active in the area CHA serves;
 - d) Voluntary work with another RSL or with an organisation that does, or is likely to do, business with CHA;
 - e) Membership of the governing body of another RSL;

- f) Being an elected member of any local authority where CHA is active;
 - g) If the disclosee purchase goods or services from CHA;
 - h) If the disclosee purchases goods or services from one of CHA's approved contractors or Framework Agreement partners (please refer to the Entitlements, Payments & Benefits Policy and Procedure for further information);
 - i) Significant shareholding in a company that CHA does business with;
 - j) Membership of a political, campaigning or other body whose interests and/or activities may affect CHA's work or activities;
 - k) Ownership of land or property in CHA's areas of operation excluding for the purpose of the disclosee's own residential use (i.e. there is no requirement for to declare any house in which the disclosee currently lives); and
 - l) 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 CHA.
 - m) any direct involvement with a business which trades for profit;
 - n) involvement with any organisation from which CHA may secure a loan eg. Banks and building societies (apart from where the involvement is as a customers e.g. A Committee Member has a mortgage or account with the bank);
 - o) involvement with or between Committee Members, staff and their close relatives;
 - p) sale of a property owned by CHA to a Committee Member or staff member, or to a close relative of a Committee or staff member; and
 - q) sale of a property owned by a Committee Member or staff member, or by a close relative of a Committee or staff member to CHA.
- 3.3 The above list is not exhaustive and all interests, whether potential or actual should be raised.
- 3.4 If a Committee Member has any business interest relating to the work of CHA, its activities, values, aims or objectives, which directly or indirectly gives the Member personal advantage, the Member should resign their position. If a Committee Member considers that another Committee Member has such an interest, they have a duty to raise it with the Chairperson.
- 3.5 Committee Members must disclose any financial interest in any contract entered into by CHA. Any such interest, if not disclosed, will be considered a breach of the Code of Conduct for Committee Members and may be grounds for dismissal. See paragraph 1.5 of the Code.

REGISTER OF INTERESTS AND MAKING DISCLOSURES

- 4.1 CHA will maintain a Register of Disclosure of Interests of Staff and individual Committee Members, which disclose the following (An example of the Register may be found at Appendix 1):
- a) name;
 - b) date disclosure was made;
 - c) source;
 - d) item number on agenda (if at meeting); and
 - e) what the disclosure is and reason for disclosing.
- 4.2 Committee Members will be asked to register their interests following their first Committee Meeting. Thereafter, at the end of each financial year they will be required to fill in a fresh Disclosure of Interest form so the Disclosure of Interests Register may be updated. An example of CHA's Disclosure of Interest Form may be found at Appendix 2, and it requests the following information:
- a) name;
 - b) address;
 - c) tenant;
 - d) year of birth;
 - e) role within CHA;
 - f) employment (Committee Members);
 - g) positions of public responsibility;
 - h) membership of other Housing Associations or Co-operatives;
 - i) any financial interests relating to the work of CHA;
 - j) any direct involvement with a business which trades for profit;
 - k) involvement with any organisation from which CHA may secure a loan e.g. banks and building societies (apart from where the involvement is as a customers e.g. a Committee Member has a mortgage or account with the bank);
 - l) involvement with or employment by any organisation which may seek services from CHA;
 - m) any voluntary or charity work carried out for another organisation;
 - n) relationships with or between Committee Members, staff and their close relatives;
 - o) any other interests which could impact on their role with CHA; and
 - p) Statement of understanding Entitlements, Payments and Benefits Policy.
- 4.3 Members of Staff will be required to complete a Disclosure of Interest form when they are initially employed by CHA, and details will be recorded in the Disclosure of Interests Register. Thereafter, Staff will be required to complete a fresh Disclosure of Interest form annually after the end of the financial year. If there are new disclosures to be made that have not previously been recorded in the Disclosure of Interests Register, then the Line Manager should complete a Request for Approval Form, an example of which may be found at Appendix 4, and refer to the Entitlements, Payments and Benefits Policy for further guidance.

- 4.4 Staff and Committee Members should take reasonable steps to ensure that they or anyone who normally lives as part of their household, (whether they are related to them or not, including spouses / partners who work away from home and sons and daughters who are studying away from home), conform with the requirements of the Entitlements, Payments & Benefits Policy when they wish to use one of CHA's contractors or suppliers (see Contractor List, Appendix B of the Entitlements, Payments and Benefits Policy).
- 4.5 Job applicants will be asked to declare any interests, for example, if they are connected to a current member of staff, a Committee Member, or if they receive services from CHA. If any applicants make a disclosure, the appropriate part of the Entitlements, Payments and Benefits Policy should be followed, and registers updated accordingly.

COMMITTEE MEETINGS

- 5.1 Committee Members and Staff who are invited to be present at a meeting where a matter in which they have a personal (or a personal business or financial) interest is discussed, must inform the meeting Chair at the start of the meeting. They would then be required to leave the meeting for the duration of the particular item. If in any doubt, they should ask the meeting chair or another senior person present for guidance. This applies to all meetings that they attend as a member of our Governing Body or employee – both internal and external.
- 5.2 If during the course of Committee Meetings, issues arise which may affect a Committee Member's personal interest, the Member should disclose precisely any direct or indirect financial interest or other interests which are not financial but which might influence judgement or give the impression that the Committee Member was acting for personal motives. Any Committee Member declaring such an interest should withdraw from that part of the meeting in which such matters are discussed. If such conflicts of interest are substantial or frequent, then the Member should consider resigning in conformity with paragraph E.3 of the Code of Conduct.
- 5.3 A Committee Member, having a financial interest in the tenancy of a house belonging to CHA may take part in discussion of housing matters and may vote on such matters. However, tenant Committee Members should regard matters specifically concerning their individual circumstances as clear and substantial conflict which should be declared in the normal way.
- 5.4 Where an interest is declared in accordance with the above at any meetings of the Committee, the declaration must be recorded in the Minutes of that meeting together with any action taken. Details of the Declaration will also be entered in the Disclosure of Interests Register.
- 5.5 In general, Committee Members should:
- a) ensure that private or personal interests do not influence their decisions, and that they do not use their position to obtain personal gain or any sort, either for themselves, or for those closely connected to them;
 - b) ensure that no special advantage is gained by virtue of Committee Membership, by using the services of a consultant, contractor, professional advisor or other individual or firm that works for CHA.

- 5.7 Members of staff in attendance at Committee meetings, who have an interest in an item on the Committee Agenda, should advise the Chief Executive prior to the meeting. The Chief Executive will consult with the Chair who will decide if the employee is required to leave the Committee meeting during the discussion and/or decision on the item.
- 5.8 The Chief Executive will take steps to ensure that any declarations made and the decision made regarding the employee's attendance at the meeting are recorded in the Minutes of that meeting and the Disclosure of Interests Register.

MEMBERSHIP OF CERTAIN ORGANISATIONS

- 6.1 Committee Members and Staff should declare to the Chief Executive if they are a member of any organisation which is not open to the public and which has secrecy about its rules and membership or conduct. A definition of such an organisation is on the Disclosure of Interest Form at Appendix 2.

BREACHES OF POLICY

- 7.1 Any failure to make a complete, accurate and prompt declaration of interest – whether deliberately or through taking insufficient care - will be regarded as a breach of this policy and the Codes of Conduct.
- 7.2 If a Committee Member knowingly breaches the conditions of this policy this may be grounds for removal from Office in accordance with CHA's Rules (44.5), Code of Conduct for Committee Members and associated protocol.
- 7.3 Staff found to have materially breached this policy will be considered under our disciplinary procedures and may result in a disciplinary action being taken, which may include dismissal.

REVIEW

- 8.1 The Committee will review this policy at least every three years.
- 8.2 On an annual basis, the Disclosure of Interests Register will be reviewed and a report will be submitted to the Committee on the contents.

RESPONSIBILITIES

- 9.1 The Committee will be responsible for:
- a) the formulation and monitoring of the policy;
 - b) policy amendments; and
 - c) monitoring of statutory requirements.
- 9.2 The Chief Executive will be responsible for maintaining Disclosure of Interests Register.

DISCLOSURE OF INTERESTS REGISTER FORMAT

Meeting	Date	Name & Role	Item No. on Agenda	Reason
Committee	20 Feb 13	XXXX	3	He is a member of XXXX

	DISCLOSURE OF INTERESTS FORM
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Name	
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Address	
Postcode	

Is this a CHA property?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Are you	The tenant?	<input type="checkbox"/>	Living with tenant?	<input type="checkbox"/>
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Phone Numbers	Home:	
	Work:	
	Mobile:	

Year of Birth	
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Role within CHA	
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Please list any positions of public responsibility you have:

Please list any Memberships of other Registered Social Landlords or Secret Societies (see attached note on definition of a Secret Society):

Please declare any financial interest relating to the work of CHA:

Please list any direct involvement with a business that trades for profit:

Please list any involvement with any organisations from which CHA may secure a loan:

Please declare any involvement with any organisation which may seek services from CHA:

Please declare any relationships with or between Staff Members, Committee Members and their close relatives or any tenants (you may continue on another sheet):

Please declare any voluntary or charity work carried out for another organisation:

Please declare any other interests which could impact on your role with Clydesdale Housing Association:

Have you read, and do you understand, the policy on Entitlements, Payments & Benefits? YES NO

Signature

Date

CHA Registered Charity (No. SC034228)

A Registered Society under the Co-operative and Community Benefit Societies Act 2014 Reg. No. 2237 R(S)

DEFINITION OF A SECRET SOCIETY

A secret society is any lodge, chapter, society, trust or regular gathering or meeting which:

- Is not open to members of the public who are not members of that lodge, chapter, society or trust;
- Includes in the grant of membership an obligation or requirement on the part of the member to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

GUIDANCE ON CLOSELY CONNECTED PEOPLE

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.

The following table outlines those who you should consider when declaring interests:

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 your household). • Your relatives and their partners. • Your partner's close relatives (i.e. parent, child, brother or sister). • Your close friends. • Anyone you are dependent upon or who is dependent upon you. • Acquaintances (such as neighbours, someone you know socially or business contacts/associates). 	<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>

DECLARATION OF INTEREST - REQUEST FOR APPROVAL FORM

SECTION 1 – REQUESTING AUTHORISATION

DATE OF REQUEST	
DEPARTMENT / AREA MAKING REQUEST	
NAME OF EMPLOYEE / COMMITTEE MEMBER MAKING DECLARATION	
WHAT IS THE TYPE OF DECLARATION?	
WHEN DOES THIS NEED TO BE APPROVED BY?	

SECTION 2 – APPROVING THE DECLARED INTEREST

WHO SHOULD APPROVE THIS REQUEST?	
APPROVED / REJECTED	
DATE APPROVAL / REJECTION GRANTED	
REASON FOR REJECTION IF APPLICABLE	
HAS REQUESTEE BEEN NOTIFIED OF DECISION?	
GOVERNANCE SIGN OFF	