



SHA Declaration of Interests Policy

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Appendix 1 - Equality Impact Assessment

1. Purpose of this Policy

- 1.1 This policy sets out the practical steps which governing body members and employees of Southside Housing Association (SHA) must take to declare and manage any personal, financial or commercial interests which may be relevant to the work which we do.
- 1.2 This Policy applies to all of our people. This term covers:
- The Association's governing body members, including members of the SHA Board and sub-committees, and directors of Southside Lettings (Scotland) Ltd.
 - SHA's employees, including people working with us on fixed term contracts, agency workers and staff on secondments
 - Volunteers involved in our service delivery or governance
 - Students on a placement with SHA or Southside Lettings (Scotland) Ltd.
- 1.3 The SHA Codes of Conduct requires governing body members and employees to declare openly, and manage effectively, any potential conflict between their role with SHA and any other interests they may have. This Policy sets out the practical steps that they must take, to achieve this.
- 1.4 SHA governing body members and employees must declare any interests that relate to the work of SHA's wholly owned subsidiary Southside Lettings (Scotland) Ltd. Southside Lettings (Scotland) Ltd Board members must declare any interests that relate to the activities of SHA.

2. Requirements of the Code of Conduct

- 2.1 This policy recognises the provisions of the SHA Code of Conduct for Governing Body members and the SHA Staff Code of Conduct. Both Codes of Conduct ensure that SHA complies with its obligations under Scottish charity law, our Rules and the Scottish Housing Regulator's (SHR) regulatory requirements set out in Chapter 3 of the Regulatory Framework
- 2.2 The SHA Codes of Conduct require governing body members and 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.

2.3 The SHA Rules also sets out expectations of Governing Body members with respect to declaring interests at sections 38.1 to 38.3 of the Rules.

2.4 The SHA Rules sets out that:

- The Governing Body shall set and periodically review its policy on payments and benefits. If a person is a member, an employee or serves on the Board or any sub-committee, he/she must not receive any payment or benefit unless it is permitted by the policy;
- If a person serves on the Board or any sub-committee, he/she must declare any personal or other external interests on an annual basis in accordance with the SHA Code of Conduct for Governing Body Members, and;
- If a person serves on the Board or any sub-committee he/she must not receive any payment or benefit unless it is permitted by the Charities and Trustee Investment (Scotland) Act 2005, and as set out in the Association's policy referred to at Rule 38.2. He/she shall also comply with the requirements of the Charities and Trustee Investment (Scotland) Act 2005 in respect of any conflict of interest that might arise.

3. Related Policies

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

- **Group Policy on Entitlements, Payments and Benefits** – This requires governing body members and employees to make an entry in the Register of Payments and Benefits if they have a personal or financial interest in the granting of a tenancy, and offer of employment, the sale or purchase of land, or the supply of goods and service to SHA, and;
- **Gifts , Hospitality and Donations Policy** – This requires governing body members and employees to make an entry in the Register of Gifts and Hospitality, unless the estimated value is below the “de minimis” threshold set out in the Policy.
- **Code of Conduct for Governing Body Members**
- **SHA Staff Code of Conduct**
- **Privacy Policy**
- **Equality and Diversity Policy**

4. Declaration of Interests

- 4.1 All governing body members, employees and volunteers must complete a **Declaration of Interests Form** each year. Governing body members must sign a Declaration of Interests form each year at the meeting immediately following the Annual General Meeting. The Corporate Services Manager will issue forms to employees for completion and updating annually. The form describes what you must declare, this includes in some cases the interests or activities of people who are closely connected to you.¹ The Corporate Services Manager will provide a list of the Association's contractors, suppliers, consultants etc. which governing body members and employees should refer to when completing the form.
- 4.2 Governing body members and employees are personally responsible for keeping their declaration of interests accurate and up to date at all times. You should declare any changes as soon as you become aware of them by contacting the Corporate Services Manager. This should ideally be done by e-mail, copying the e-mail to the relevant SHA Leadership Team member (employees) or the Chair and Chief Executive Officer (governing body members), or your principle staff contact person in the case of volunteers. If you do not have access to e-mail, please speak to the Corporate Services Team face to face or by telephone.

Register of Interests

- 4.3 The Corporate Services Manager will maintain the SHA Register of Interests, using the information collected from governing body members, employees and volunteers.
- 4.4 The contents of the Register will be used as an aid to SHA's 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).
- 4.5 Information in the Register of Interests will be available for public inspection. Governing Body members should inform the Chair and Chief Executive Officer, and employees should inform the Corporate Services Manager if there are any reasons why public disclosure of a particular relationship or interest would be appropriate.

¹ The meaning of "closely connected" is explained in the Code of Conduct

5. Information Collected from Customers, Suppliers etc.

- 5.1 SHA's Codes of Conduct recognise that governing body members and employees are not always aware of the actions or activities of family members or close friends or associates and are not required to take measures to research any possible connections.
- 5.2 SHA accordingly will ask prospective customers, employees and suppliers to tell us about any close connection they may have with governing body members and employees or volunteers of SHA and Southside Lettings (Scotland) Ltd.
- 5.3 SHA's approach will be risk-based, to safeguard against possible risks to our reputation or any loss of community confidence in our decisions. Therefore, we will ask for information about connections to governing body members, employees or volunteers in the following service/business areas:

- Housing applications and tenancy offers.
- Job applications and offers of employment.
- Sale, purchase or lease of land or property
- Company information forms for approved suppliers or contractors, where the annual value of work placed exceeds or is likely to exceed £2000.
- Procurement documentation, including pre-qualification stage and tendering

6. Checking for Relevant Interests when Decisions are Made

- 6.1 The staff member responsible for managing the business process concerned (e.g. letting a house, managing a recruitment process, undertaking a procurement exercise) should check with the Corporate Services Manager for any relevant entries in the Register of Interests. Departmental records should also be checked (e.g. any disclosures provided as part of housing or job applications, PQQs etc.).
- 6.2 If an interest has been declared, it will be necessary to:
- Decide how the interest should be managed (see below); and
 - Follow the policy/procedures for the business area concerned.
- 6.3 If the policy and/or procedures are unclear, employees should refer the matter to the relevant SHA Leadership Team member for further guidance as required.

7. Managing Declared Interests

7.1 A declaration or conflict of interest does not by itself prevent SHA from approving a particular course of action, provided it is lawful and is managed in accordance with SHA's relevant policies and procedures.

7.2 For example, the Group Policy on Entitlements, Payments and Benefits sets controls on – but does not always prohibit – matters such as the granting of tenancies to governing body members and their family members. If a relevant interest is identified and the type of payment or benefit is permitted, the following steps must be taken under the Group Policy on Entitlements, Payments and Benefits:

- The governing body member or employee who is affected must not play any part in decision-making or any operational activity relating to the matter in question;
- SHA's policy/procedures must be followed for the business area concerned and,
- If required, the SHA Board (or a sub-committee acting with delegated authority) must approve the proposed decision.

7.3 Some declared interests would make a committee member's position untenable, e.g.:

- If a governing body member has a personal financial interest in a business trading for profit that is seeking to do business with SHA or Southside Lettings (Scotland) Ltd;
- If a governing body member's other interests would result in them being unable to act in the best interests of SHA.

7.4 If a governing body member has a major or on-going conflict of interest that impairs their objectivity or their ability to act in SHA's best interests, they should consider resigning from the SHA Board or sub-committee. Alternatively, the remaining members of the SHA Board or sub-committee may seek the member's resignation.

8. Conduct at Meetings and Involvement in Decision Making

8.1 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.

8.2 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 an SHA Board 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 SHA 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 Southside Lettings (Scotland) Ltd can take part in discussions and vote on matters relating to SHA's relationship with Southside Lettings (Scotland) Ltd , unless the matter under discussion concerns a proposed contractual arrangement with Southside Lettings (Scotland) Ltd .
- 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

8.3 If approval is required under the Group Policy on Entitlements, Payments and Benefits, the SHA Board (or a sub-committee with delegated authority) will always require anyone affected by the proposed decision to withdraw from the committee meeting while the matter is discussed and decided.

9. Compliance with this Policy

9.1 This Policy has been adopted, to help ensure that our affairs are conducted with transparency and integrity. Failure to comply with the Policy may result in disciplinary action against governing body members or employees, in line with the SHA's codes of conduct and our procedures for addressing alleged breaches.

10. Data Protection

10.1 SHA handles the personal data we use in line with our obligations under data protection legislation and the Association's Privacy Policy and Data Retention Schedule. Information about how we handle personal data and the legal basis for processing personal data is available through the Association's Fair Processing Notices.

11. Equality and Human Rights

- 11.1 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.
- 11.2 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.
- 11.3 An Equality Impact Assessment (see Appendix 1.) 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

12. Policy Review

- 12.1 This policy will be reviewed every three years or earlier in the event of any significant legislative or regulatory changes which may affect this Policy.



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