



Craigdale
HOUSING ASSOCIATION

DECLARATION OF INTEREST POLICY

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Craigdale Housing Association can provide this document on request, in different languages and formats, including Braille and audio formats.

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1.0 Purpose of this Policy

This policy sets out the practical steps which governing body members and employees of Craigdale 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. The policy is intended to promote transparency, accountability, good governance, legal and regulatory compliance, and sector best practice in managing actual, potential and perceived conflicts of interest.

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

- The Association's governing body members, including members of the CHA Board and Committee's.
- CHA's employees, including people working with us on fixed term contracts, agency workers, staff on secondments and consultants.
- Volunteers involved in our service delivery or governance.
- Students on a placement with CHA.

1.3 CHA's Codes of Conduct requires governing body members and employees to declare openly, and manage effectively, any potential conflict between their role with CHA and any other interests they may have. This Policy sets out the practical steps that they must take, to achieve this.

1.4 CHA governing body members and employees must declare any interests that relate to the work of CHA's.

2.0 Requirements of the Code of Conduct

2.1 This policy recognises the provisions of the following documents CHA Code of Conduct for Governing Body members and the CHA Staff Code of Conduct. Both Codes of Conduct ensure that CHA complies with its obligations under the following:

- UK GDPR and Data Protection Act 2018
- Equality Act 2010
- Housing (Scotland) Act requirements where relevant
- CHA Model Rules
- Scottish Housing Regulator Regulatory Framework
- Charities and Trustee Investment (Scotland) Act 2005
- OSCR guidance on conflicts of interest for charities

CHA will manage conflicts of interest in accordance with applicable legislation, regulatory requirements, recognised governance standards and good practice guidance issued by the Scottish Housing Regulator, OSCR and other relevant regulatory bodies.

2.2 The CHA 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.

3.0 Related Policies

3.1 CHA'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 CHA, 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 stated threshold set out in the Policy.
- **Code of Conduct for Governing Body Members**
- **Code of Conduct for Staff Members**
- **Privacy Policy**
- **Equality and Diversity Policy**

4.0 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 Manager (CM) 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 CM 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.

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

- 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 CM. This should ideally be done by e-mail, copying the e-mail to the relevant Senior Management Team (SMT) member (employees) or the Chair and Chief Executive (governing body members) or your principal 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.

Governing body members, employees and volunteers should adopt a precautionary approach and declare any interest where there is uncertainty as to whether a conflict exists. Potential perceived and future conflicts should be declared as well as actual conflicts.

Register of Interests

- 4.3 The CM will maintain the CHA 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 CHA'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 A version of the Register of Interests may be made available for public inspection where required by regulatory obligations. The Register shall be maintained in a manner consistent with the principles of transparency, proportionality, confidentiality and data protection legislation. Personal information will be redacted where necessary to comply with UK GDPR, the Data Protection Act 2018, and to safeguard privacy and personal security. Governing body members should inform the Chair and Chief Executive, and employees should inform the CM if there are any reasons why public disclosure of a particular relationship or interest would be appropriate.

5.0 Information Collected from Customers, Suppliers etc.

- 5.1 CHA'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 CHA accordingly will ask prospective customers, employees, and suppliers to tell us about any close connection they may have to governing body members, employees or volunteers of CHA.
- 5.3 CHA'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 leasing 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.

6.0 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 CM 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 SMT member for further guidance as required.

7.0 Managing Declared Interests

- 7.1 A declaration or conflict of interest does not by itself prevent CHA from approving a particular course of action, provided it is lawful and is managed in accordance with CHA's relevant policies and procedures. When assessing declared interests, CHA will consider the legal, regulatory, reputational, ethical and operational risks arising from the conflict and determine appropriate mitigation measures.
- 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,
 - CHA's policy/procedures must be followed for the business area concerned and,
 - If required, the Board (or a committee acting with delegated authority) must approve the proposed decision.

Decisions relating to conflicts of interest shall be documented, including the nature of the interest declared, the assessment undertaken, the actions agreed and the rationale for those actions. Records shall be retained in accordance with the Association's Data Retention Schedule.

7.3 Some declared interests would make a Board 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 CHA.
- If a governing body member's other interests would result in them being unable to act in the best interests of CHA.

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 CHA's best interests, they should consider resigning from the Board or Committee. Alternatively, the remaining members of the Board or Committee may seek the member's resignation.

8.0 Conduct at Meetings and Involvement in Decision Making

8.1 The Chair shall ensure that declarations of interest are actively sought at the commencement of each meeting and whenever new agenda items are introduced. 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 a Board or Committee meeting. Where appropriate, the individual concerned may provide factual information requested by the meeting before withdrawing from discussion and decision-making. 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 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 Board (or a committee with delegated authority) will always require anyone affected by the proposed decision to withdraw from the meeting while the matter is discussed and decided.

9.0 Compliance with this Policy

- 9.1 This Policy has been adopted, to help ensure that our affairs are conducted with transparency and integrity. Compliance with this Policy forms part of the Association's governance and assurance framework. Failure to comply with the Policy may result in disciplinary action against governing body members or employees, in line with the CHA's codes of conduct and our procedures for addressing alleged breaches.
- 9.2 Suspected breaches of this Policy will be investigated promptly and proportionately, with outcomes and corrective actions recorded where appropriate.

Best Practice Principles

CHA expects all governing body members, employees and volunteers to adhere to the following principles:

- Act openly, honestly and in the best interests of the Association.
- Declare conflicts at the earliest opportunity.
- Avoid situations that may give rise to actual, potential or perceived conflicts of interest.
- Maintain public confidence in the integrity and impartiality of the Association's decision-making.
- Ensure decisions are evidence-based, appropriately documented and capable of independent scrutiny.

10.0 Data Protection

- 10.1 CHA 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.

11.0 Equality and Human Rights

- 11.1 The Association will provide equal 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.

12.0 Policy Review

- 12.1 This policy will be reviewed every three years or earlier in the event of significant legislative, regulatory, governance or best practice developments affecting the management of conflicts of interest. Interim amendments may be approved where necessary to ensure ongoing legal and regulatory compliance.

