

1.0 INTRODUCTION

- 1.1 This policy applies to:
- 1.1.1 All members of our Management Committee (MCMs) and of the governing body of any of our subsidiaries (i.e. Glasgow West Enterprises (GWEn))
 - 1.1.2 Everyone who works or volunteers for GWHHA or any of our subsidiaries.

2.0 CONTEXT

- 2.1 GWHHA is a Registered Social Landlord (RSL) and a Scottish Charity. We are part of a sector that has a strong reputation for integrity and accountability to the people we exist to help and to our Regulators, partners and funders. We must ensure that GWHHA upholds its reputation and that of the sector. GWHHA MCMs or employees cannot benefit inappropriately from their connection with the organisation.
- 2.2 This policy describes the entitlements, payments and/or benefits that MCMs and employees or volunteers are able to receive. It also describes what is not permitted and the arrangements that are in place to ensure that the requirements of this policy are observed.
- 2.3 GWHHA rules require that we have a policy in place for dealing with payments and benefits¹. The Scottish Housing Regulator (SHR) requires all RSL's to set out what payments and benefits are permitted and to ensure that these arrangements demonstrate transparency, honesty and propriety². We must ensure there is no justifiable public perception of impropriety. This policy is based on the SFHA's³ Model Entitlements, Payments and Benefits Policy, which the SHR have confirmed meets their regulatory requirements.
- 2.4 As GWHHA is a Scottish Charity, all of the MCMs must also ensure that they comply with the Office of the Scottish Charity Regulator (OSCR) guidance to Charity Trustees⁴ and charity legislation.

3.0 AIMS

- 3.1 This Policy is intended to be a practical document that supports GWHHA in meeting all of the above requirements, ensuring that no MCM or employees or volunteers benefit (or is seen to benefit) improperly or inappropriately from their involvement with us, but also that they are not unfairly disadvantaged. We expect MCMs and employees to act in good faith, and in applying the terms of the policy this will always be taken into account.
- 3.2 All MC and employees and volunteers are personally responsible for ensuring familiarity with and compliance with the terms of this policy
- 3.3 The policy covers managing personal interests and people connected to you.

4.0 OTHER RELEVANT POLICIES

- 4.1 The Code of Conduct is linked to this policy. Failure to comply with the terms of this policy may be regarded as a breach of the Code of Conduct.
- 4.2 We prohibit any attempt to induce the organisation or our people to offer preferential services or business terms and we will at all times comply with the Bribery Act 2010.
- 4.3 Our policies relating to the following are also relevant to this document and must be complied with at all times:
- a) Housing Allocations
 - b) Alterations and Improvements
 - c) Stage III Medical Adaptations
 - d) Procurement Delivery Plan
 - e) Training, Learning and Development
 - f) Expenses
 - g) Recruitment and Selection
 - h) Disposals and Acquisitions (Asset Management)
 - i) Decoration Allowances/Prizes
 - j) Gifts and Hospitality

Please note that this list is not exhaustive and you are required to comply with all of our policies and procedures.

¹ Rule 38.1

² Scottish Housing Regulator (April 2012) Regulatory Framework p28 section 5.13 available [here](#)

³ Scottish Federation of Housing Associations

⁴ Office of the Scottish Charity Regulator (Aug 2013) Guidance For Charity Trustees section 3 available [here](#)

- 4.4 If you are unsure about anything relating to benefits, payments or entitlements you should consult with the Chair or CE (if you are a member of the governing body) or with your line manager (if you are a member of staff).

4.0 MANAGING YOUR INTERESTS

4.1 Registering and Declaring Interests

- 4.1.1 In order to protect our reputation and demonstrate that we conduct our affairs with openness, honesty and integrity, we maintain a Register of Interests. Any interests that an MCM or employee has, or any interests that an MCM, employee or someone connected to an MCM or employee (see Section 5) has which are relevant to GWHA business and/or activities must be declared and recorded within 48 hours of becoming aware of any interest. Records will be checked annually to confirm the entry is accurate and up to date. It is the employee or MCMs responsibility to ensure the accuracy of interests declared.

- 4.1.2 Where an MCM or employee has an interest in any matter that is being discussed or considered, including at a meeting, you must declare the interest and play no part in the consideration, discussion and decision-making; you must withdraw from any part of a meeting where the interest arises. Our Rules require that any MC member who has an interest in a matter that is being considered withdraws from all discussions and plays no part in decision-making.

- 4.1.3 The Code of Conduct which our Committee and staff are required to uphold contains a section on Declaring Interests that you should comply with at all times

- 4.1.4 An annual report will be presented to our Management Committee on the entitlements, payments, benefits that have been recorded in the Register by our people.

- 4.1.5 The following are examples of the kind of interests that you must declare. Please note this list is not exhaustive, and there may be other interests that you should also declare:

- a) Tenancy of a property of which we are the landlord.
- b) Occupancy or ownership of a property which is factored or receives property related services from us.
- c) Receipt of care or support services from us.
- d) Membership of a community or other voluntary organisation that is active in the area(s) we serve.
- e) Voluntary work with another RSL or with an organisation that does, or is likely to do, business with us.
- f) Membership of the governing body of another RSL.
- g) Being an elected member of any local authority where we are active.
- h) If you purchase goods or services from us.
- i) If you purchase goods or services from one of our contractors or suppliers (see section 6).
- j) Significant shareholding in a company that we do business with (or are considering doing business with).
- k) Membership of any other body whose interests and/or activities may directly affect our work or activities..
- l) Ownership of land or property in our areas of operation. This excludes property 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).
- m) 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.

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

4.2 Entitlements, Payments and Benefits

- 4.2.1 Many of the interests that must be declared can be classed as entitlements, payments or benefits.

- 4.2.2 There is the potential MCMs or employees or volunteers may be offered benefits over and above that which are entitled (as a result of policy or contractual terms), such as gifts or hospitality from external parties. Such offers would be as a direct result of being a GWHA MCM or employee and cannot always be accepted. GWHA require that any such offers are managed and recorded very carefully to ensure the highest levels of probity. MCMs or employees or volunteers should not benefit – or be seen to benefit – inappropriately from their involvement with GWHA.

- 4.2.3 Apart from payments that MCMs or employees or volunteers are entitled to by contract, statute, policy or other agreement (e.g. salary, expenses), GWHA will only make a payment to, or accept a payment from, someone affected by this policy in exceptional circumstances. Appendix 1 explains the payments that can and cannot be made in more detail.

- 4.2.4 As GWHA contributes to the economy(ies) of the area(s) we work in and we have commercial and business relationships with many different companies, contractors, suppliers and service providers, MCMs, employees and volunteers must ensure that we are fully aware of any connection that you or someone you are close to (see policy section 6) has with any of these businesses or organisations.
- 4.2.5 Some entitlements, payments and benefits we can never permit, and others we have additional requirements or conditions that must be met before we can permit.
- 4.2.6 Appendix 1 lists the entitlements, payments and benefits that fall under this policy, and states:
 - (a) Which could be permitted by GWHA
 - (b) Which will never be permitted by GWHA
 - (c) Which you require to declare in the register of interests
 - (d) Any other further requirements GWHA has before permitting

5.0 PEOPLE CONNECTED TO YOU

5.1 Who Else You Should Consider When Declaring Interests

- 5.1.1 Someone 'closely connected' to you includes members of your household, family members and other relatives and your friends. .
- 5.1.2 As well as considering your own actions, MCMs, employees and volunteers 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. If you are in any doubt about whether or not a declaration is required, you should consult the Chairperson, Chief Executive 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"> (a) Anyone who normally lives as part of your household (whether related to you or otherwise) (b) 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>Partner, Relatives and friends</p> <p>This includes:</p> <ul style="list-style-type: none"> a) Your partner (if not part of household) b) Your relatives and their partners c) Your partner's close relatives (i.e. parent, child, brother or sister) d) Your friends e) Anyone you are dependent upon or who is dependent upon you f) 	<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>

5.2 What To Consider

- 5.2.1 The following are the relevant actions /involvement by people who are closely connected to MCMs,employees and volunteers that should be considered, declared and managed as per the expectations outlined in Table A (please be aware this list is not exhaustive or exclusive):
- (a) A significant interest in a company or supplier that GWHA 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.
 - (b) Where the individual may benefit financially from a company with which GWHA does business
 - (c) Involvement in the management of any company or supplier with which GWHA does business
 - (d) Involvement in tendering for or the management of any contract for the provision of goods or services to GWHA.
 - (e) Application for employment with GWHA.
 - (f) Application to join our Management Committee or any of our subsidiaries
 - (g) Application to be a tenant or service user of GWHA
 - (h) If they are an existing tenant or service user of GWHA

6.0 USE OF OUR CONTACTORS AND SUPPLIERS

- 6.1 In order to help maintain GWHA's excellent reputation, where possible MCMs,employees and volunteers should avoid using GWHA's contractors/suppliers for personal purposes. A list outlining the contractors and suppliers that fall under the terms of this policy are available on the staff intranet. If in doubt clarity should be sought from the appropriate team Manager / Director
- 6.2 It is recognised that there could be certain circumstances where it might not be possible to avoid the use of all the contractors/suppliers on this list, such as where market conditions in the local area make it difficult to obtain a reasonable selection of potential contractors or suppliers. Under such circumstances approval may be granted by a Director (for employees or volunteers) or Chief Executive (for MCMs) to use GWHA approved contractors/suppliers, provided there is confirmation that there was no preferential treatment in terms of price, quality or any other aspect of service delivery due to your involvement with GWHA .

- 6.3 If a MCM or employee intend to purchase goods or services from any GWHA approved contractor/supplier then it must be declared in the register outlining:
- (a) That approval from the appropriate Director or Chief Executive was granted prior to the commencement of works
 - (b) No preferential treatment was received in terms of service or cost (demonstrated through quotations and receipts).
 - (c) Where a contractor is inadvertently used in an emergency situation, the Director or Chief Executive must be notified as quickly as possible thereafter and an appropriate declaration in the register made.
- 6.4 Any contractor/supplier not included on the list can be used without the need for any declaration/further action. The approved list represents the majority of the contractors/suppliers that GWHA use, but does not include any of the contractors/suppliers that:
- (a) Only provide services of a small value (e.g. local window cleaners or sandwich shops) or
 - (b) Have such a large national or local standing that no favour could ever realistically be gained (e.g. Amazon, utilities, BT, banks or national chains)

6.5 Considering a request to use an approved contractor/supplier

- 6.5.1** The Director or Chief Executive will consider requests to use GWHA approved contractors/suppliers and will consider the level of potential reputational risk or any potential conflicts of interest that may arise by granting approval and, if granting approval, consider the steps required to mitigate against future conflicts of interest, such as ensuring that the individual is not involved in any transactions with or decisions about the contractor/supplier in question on behalf of GWHA.
- 6.5.2** A clear audit trail of every approval to use any of GWHA contractors/suppliers will be kept and an annual report of compliance will be presented to the Management Committee.

7.0 DELEGATED AUTHORITY

- 7.1 The MC has overall responsibility for the development and review of this policy.
- 7.2 Authority is delegated to the CE and Executive Team to monitor and implement this policy.

Approved: 24/11/2015
Reviewed: 24/11/2020
Reviewed: 23/11/2021
Next Review: Nov 2025

DECISION OR ACTIVITY	PERMITTED?	GWHA GUIDANCE/PROCEDURES
1. MANAGEMENT COMMITTEE MEMBERSHIP & PAYMENT FOR SERVICE		
1.1 Payment for service as a MCM or for providing advice to GWHA in a professional capacity	No	We will not pay MCM for their service (other than repayment of out of pocket expenses), or for any advice provided in a professional capacity
1.2 Membership of the MC by anyone closely connected to a MCM or Governing Board member of GWEn.	No	This is not permitted under our Rules (43.1.12): (he/she is the spouse, partner, child (including adopted child or step child) parent, parent-in-law, grandparent, grandchild or sibling of a MCM or of a governing body member of any other organisation in the Group)
2. MANAGEMENT COMMITTEE: PAYMENT OF EXPENSES		
2.1 Payment of expenses (out of pocket expenses, reimbursement of travel costs etc.)	Yes	Claims must comply with our policy and procedures. Approved expenses do not need to be recorded in the Register of Payments and Benefits
3. COMMITTEE AND STAFF: ATTENDING TRAINING AND EVENTS		
3.1 Attendance by MCM and/or staff members at training events or conferences/seminars or at openings/similar events hosted by other RSLs	Yes	We will pay the costs of the event package. If not part of the package, we will arrange and pay for MCM's travel and accommodation. No requirement to declare in the Register of Payments and Benefits
3.2 Attendance by MCM and/or staff members at external events to mark awards, achievements or other significant milestones relevant to our business	Yes ⁵	MCM and staff members will be able to accept hospitality at GWHA corporate events, in accordance with our Policy on Gifts and Hospitality. It is not GWHA's practice to send MCM or staff members to "pay to attend" awards ceremonies. If exceptional circumstances were to arise in future, the MC would need to approve attendance in advance based on reasonable and proportionate costs and a demonstrable benefit to GWHA. Costs for each attendee would also need to be recorded in the Payments and Benefits Register.
4. COMMITTEE AND STAFF: GIFTS AND HOSPITALITY		

⁵ SFHA guidance permits where the total cost does not exceed £500

DECISION OR ACTIVITY	PERMITTED?	GWHA GUIDANCE/PROCEDURES
4.1 Acceptance of gifts and hospitality	Yes, in some circumstances	The Gifts and Hospitality Policy sets out the limits and procedures that apply to accepting gifts and hospitality and when they must be recorded in the Register of Gifts and Hospitality
5. STAFF RECRUITMENT		
5.1 Making an offer of employment (temporary or permanent) to someone who is closely connected to an existing employee	Yes	Permitted as long as: <ul style="list-style-type: none"> a) There has been an open recruitment exercise in accordance with our policy and nobody closely connected to the job applicant has played any part in the recruitment and selection process; and b) The offer of employment is approved by the Staffing Sub-Committee; and c) No direct or indirect line management or supervision responsibility will be created between people who are closely connected to each other; and d) The offer of employment is recorded in the Register of Payments and Benefits, following its acceptance
5.2 Existing staff: approval of re-gradings/promotions and contract enhancements, specific to an individual staff member	Yes	Permitted as long as: <ul style="list-style-type: none"> a) Proposed decision is based on an objective assessment; and b) The proposed arrangement is approved by the Staffing Sub-Committee
5.3 Making an offer of employment to someone who is, or who has been in the last twelve months, a GWHA MCM or a GWEn Board Member	No	Former MCM/Board members will be discouraged from applying for employment within this timeframe. If this situation occurs, we will seek legal advice to make sure that we always act in accordance with the law, with regard to excluding former MCM or Board Members from consideration.
5.4 Making an offer of employment or contract for the provision of services (e.g specialist advice) to someone who is closely connected to a current GWHA MCM or GWEn Board member	No	This cannot be permitted
6. HUMAN RESOURCES MANAGEMENT		

DECISION OR ACTIVITY	PERMITTED?	GWHA GUIDANCE/PROCEDURES
6.1 All entitlements arising from a contract of employment with GWHA	Yes	Any entitlement in terms of contract and agreed remuneration package is always permitted without the need to record. GWHA terms and conditions of employment and associated policies shall be treated as part of the employment contract for the purposes of this Policy.
6.2 Provision of a loan by us to MCMs, GWEn board members or employees.	No	This is not permitted unless allowed for in the contract of employment. We cannot make any other loans to individuals.
6.3 Redundancy or Voluntary severance payment to an employee	Yes	<p>GWHA is permitted to make redundancy payments to an employee in line with their contract of employment or the relevant statutory provisions.</p> <p>GWHA is permitted to make a voluntary severance payment to an employee which is outside the terms of their contract of employment provided:</p> <ul style="list-style-type: none"> a) The payment is instead of (not additional to) any redundancy entitlement; and b) The payment arises directly from a decision to terminate the employee's contract of employment and there is a clear business rationale for doing so (such as early retirement, redundancy, restructuring or to improve organisational effectiveness and efficiency); and c) The proposed payment is approved by the Staffing Sub Committee and the affected employee does not play any part in advising the SSC about any voluntary severance payment that may be awarded to them; and d) The total sum of the non-contractual payment and benefit does not exceed, in the opinion of EVH or our legal adviser, the total cost of a successful application by the employee to a Court or Tribunal (including the likely level of compensation that might be awarded by a court or tribunal and associated costs to the organisation to participate in the tribunal); and e) Payment is no more than one year's gross remuneration, if the employee has more than 10 years or more continuous service with GWHA; or, if less than 10 years continuous service, payment is no more than one-tenth of one year's gross remuneration for each year of completed service. Where staff transferred in to GWHA under TUPE total years' service can be used for this calculation.

DECISION OR ACTIVITY	PERMITTED?	GWHA GUIDANCE/PROCEDURES
		In exceptional circumstances (e.g. if a settlement agreement is being negotiated), the Staffing Sub Committee shall have authority to exceed the limits specified in bullet point e), where independent legal advice confirms that this is required.
6.4 Appointment of one of our staff members to the Committee	No	This cannot be permitted in accordance with GWHA Rules. Former staff members may be considered after a minimum period of 5 years. In accordance with GWEn Standing Orders, a senior member of staff will be permitted to be on the board of GWEn following MC approval.
7. TENANCIES & SERVICE AGREEMENTS		
7.1 The granting of a tenancy or lease in one of our properties to MCMs or employees or volunteers or to someone closely connected to them	Yes	Permitted as long as: <ul style="list-style-type: none"> a) The decision is in accordance with our published housing allocations policy, and b) Neither the applicant nor anyone closely connected to them is involved in any way or in any part of the allocation process, and c) Granting of the tenancy is approved in advance by the MC or (if a decision is needed earlier to start the tenancy) by the Chair and CE, failing which two Office Bearers including the Chair, and d) Granting of the tenancy is recorded in the Register of Payments and Benefits
7.2 Where a MCM or employee is a tenant and receives a repair, improvement or adaptation to their home	Yes	<p>Repair works carried out in accordance with GWHA's policy do not need to be declared or recorded (tenanted and factored properties).</p> <p>Property adaptations must comply with our policy; be approved by a member of the Executive Team; and be recorded in the Register of Payments and Benefits. MC approval is not required.</p> <p>Improvement works must be carried out as part of an approved programme and in accordance with our policy.</p> <p>If not part of approved programme, the works must be approved by a member of the Executive Team and recorded in the Register of Payments and Benefits. MC approval is not required.</p> <p>If a MCM or staff member has a personal interest in improvement works to be discussed at a meeting, they must declare an interest.</p>

DECISION OR ACTIVITY	PERMITTED?	GWHA GUIDANCE/PROCEDURES
7.3 Where a MCM or employee is a tenant and receives a decoration allowance or other payment relating to their tenancy	Yes	<p>Payments and/or allowances must be made in accordance with our policy and procedures; be approved by a member of the Executive Team; and be recorded in the Register of Payments and Benefits. MC approval is not required.</p> <p>The policy covers statutory payments, such as home loss payments; and discretionary payments such as decoration allowances and disturbance payments.</p>
8. SALE/PURCHASE/LEASING OF LAND OR PROPERTY OF PROPERTY		
8.1 Disposal of our interest (whole or part) in a property to a MCM, employee or someone closely connected to a MCM or employee via LIFT; HomeBuy; Help to Buy or other LCHO scheme; or via leasing of a commercial property	Yes	<p>This is permitted, provided:</p> <ul style="list-style-type: none"> a) Priority purchaser groups receive the first opportunity to purchase b) The disposal must not be on terms that are more favourable than those available to other purchasers/lessees c) GWHA policy and procedures are followed, including setting selling prices with reference to an independent valuation and advice d) The prospective purchaser or lessee or anyone closely connected to them plays no part in our approval or processing of the transaction e) The disposal shall be approved by the MC. f) The disposal shall be recorded in the Register of Payments and Benefits, with full details recorded in the relevant files for audit purposes g) GWHA will not normally permit purchasing by GWHA employees unless priority purchaser criteria have been exhausted and it is in the economic interests of the Association to dispose of unsold properties.
8.2 Any other sale of GWHA heritable property to a MCM or employee or someone closely connected to them	No	This is not permitted (for example, if GWHA decides to dispose of properties that are surplus to requirements).
8.3 The purchase of land or other assets from anyone who is, or who has been in the last twelve months, a MCM or employee; or from a person who is closely connected to a MCM or employee	No (in almost all cases)	<p>This is generally prohibited. GWHA may make exceptions to this as set out in our Disposals and Acquisitions Policy (for owners unable to afford improvement/repair works that are part of a recognised programme) or for referrals to us under the Scottish Government's Mortgage to Rent scheme. In these circumstances, purchase would be permitted provided:</p> <ul style="list-style-type: none"> (a) GWHA's policy and procedures are followed, including a business case for properties to be purchased as part of an improvement/repair programme (b) The prospective seller (or someone closely connected to them) plays no part in our decision to purchase the property or in the processing of the transaction by us

DECISION OR ACTIVITY	PERMITTED?	GWHA GUIDANCE/PROCEDURES
		(c) The transaction is approved by the Management Committee and recorded in the Register of Payments and Benefits , and details of the process followed are recorded in the relevant files.
9. CONTRACTS: BUSINESSES TRADING FOR PROFIT		
<p>9.1 Entering into a contract with a <u>relevant business</u></p> <p><i>A relevant business is a business trading for profit where a MCM or employee, or someone closely connected to them, is a principal proprietor or shareholder or is directly involved in the management of the business⁶</i></p> <p><i>This includes cases where we have required the use of a particular third party (e.g. where a main contractor is employing a relevant business as a nominated sub-contractor).</i></p>	<p>No (in almost all cases)</p>	<p>Contracts with relevant businesses are not permitted in almost all circumstances.</p> <p>GWHA cannot enter into a contract with a relevant business owned or managed by someone who has been a MCM or employee in the last 12 months. GWHA will only consider entering into a contract with a relevant business in other circumstances, where:</p> <p>(a) The MCM or employee affected by this policy is not involved in any part of the procurement process or decision;</p> <p>(b) The appointment is approved by the MC which is satisfied that the appointment is reasonable in the circumstances;</p> <p>(c) There is no reasonable alternative available (e.g. because the goods/services are of a specialist nature).</p> <p>In such circumstances, the appointment would be recorded in the Register of Payments and Benefits and details of the process followed would be recorded in the relevant files for audit purposes.</p>
<p>9.2 The purchase of goods/services from our suppliers/contractors by a MCM or employee, for private purposes</p>	<p>No (in almost all cases)</p>	<p>This should normally be avoided, and will only be permitted if the procedure at Section 6 above is followed</p>

⁶ These terms are defined at Appendix 3, using the detailed definitions contained in previous regulatory guidance on Schedule 7