



# RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION

## ENTITLEMENTS, PAYMENTS & BENEFITS POLICY

ALL OF THE ASSOCIATION'S POLICIES AND PUBLICATIONS CAN BE MADE AVAILABLE IN LARGER PRINT, AUDIO FORM, BRAILLE OR OTHER LANGUAGES AS REQUIRED AND APPROPRIATE.

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<b>Purpose</b>	To outline and clarify what staff and committee members are able to receive, what is permitted and the arrangements the Association has in place to ensure that no one benefits improperly or inappropriately or are not unfairly disadvantaged from their involvement with the Association
<b>Regulatory Requirements</b>	Standard 5: The RSL conducts its affairs with honesty and integrity
<b>Regulatory Guidance</b>	Guidance 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. 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.

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## 1.0 INTRODUCTION

Rutherglen & Cambuslang Housing Association is a Registered Social Landlord (RSL) and a Charity registered with the Office of the Scottish Charity Regulator (OSCR). As such the Association is part of a sector that has a strong reputation for integrity and accountability to all of its service users and Regulators. It is therefore incumbent on all the Association's employees and Committee members to ensure that they uphold its reputation and that of the sector and that they do nothing to give any justifiable perception of impropriety. Specifically, the Association must be able to demonstrate that neither staff nor members of the Management Committee benefit inappropriately from their connection with the organisation.

The Association's Entitlements, Payments and Benefits Policy sets out what payments and benefits staff and Committee members are entitled to receive and outlines what arrangements the Association has in place to ensure that the requirements of the policy are adhered to. The policy is based on the Scottish Federation of Housing Association's model which has been endorsed by the Scottish Housing Regulator.

## 2.0 REGULATORY REQUIREMENTS

### 2.1 Scottish Housing Regulator (SHR)

The Scottish Housing Regulator's regulatory framework sets the standards the Association is required to meet. A number of these influence the Association's Entitlements, Benefits & Payments Policy;

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

**Standard Guidance 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.

**Standard 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.

The Regulator also requires the Association to have a policy that sets out what payments and benefits are permitted and ensures these arrangements demonstrate transparency.

### 2.2 Office of the Scottish Charity Regulator (OSCR)

As the Association is a Scottish Charity, all members of its Management Committee must ensure that they comply with the Office of the Scottish Charity Regulator (OSCR) guidance to Charity Trustees and charity legislation.

## 2.3 The Association's Rules

Clause 38.1 of the Association's Rules states that "The Committee shall set and periodically review its policy on payments and benefits. If a person is a Member, employee of the Association or serves on the Committee or any sub-committee he/she must not receive any payment or benefit unless it is permitted by the policy. In making any payment or conferring any benefit the Association shall act at all times with transparency, honesty and propriety."

## 3.0 POLICY FRAMEWORK

The Association is committed to ensuring that it delivers good governance in all areas of its activities.

The Entitlements, Payments & Benefits Policy is part of a suite of documents to support achieving this aim that includes those relating to:

- Codes of Conduct for staff and Committee members
- Declarations of Interests Policy
- Notifiable Events
- Fraud, Bribery & Corruption
- Expenses
- Allocations & Internal Transfers
- Repairs, Maintenance, Improvements & Adaptations
- Procurement
- Recruitment
- Sale/Disposal of the Association's property
- Donations & Sponsorships

## 4.0 SCOPE OF THE POLICY

The terms of this policy apply to;

- Members of Rutherglen & Cambuslang Housing Association's Management Committee
- All members of staff, including temporary and agency staff
- Those undertaking a volunteering role with the Association

The policy provides information and guidance on;

- Managing interests of those to whom the policy applies
- Who else should be considered when declaring interests
- Who is deemed a 'person connected' to those to whom the policy applies
- What needs to be considered by those to whom the policy applies
- Use of the Association's contractors and suppliers

For the avoidance of doubt, this policy does not affect any staff or Committee member's entitlement to receive payments or benefits they are entitled to under the terms of;

- A contract of employment or letter of appointment (or equivalent) with the Association
- The relevant policy on expenses
- A tenancy or lease agreement with the Association
- An agreement with the Association for the provision of care or support services
- An agreement for the provision of factoring services by the Association

## 5.0 POLICY OBJECTIVES

The Entitlements, Payments & Benefits Policy is intended to be a practical document that;

- Demonstrates the Association's commitment to conducting its affairs openly, transparently, honestly and with integrity and probity
- Supports the Association to meet its legal and regulatory requirements
- Provides guidance to ensure good governance with regard to declaring interests and managing potential conflicts of interest
- Protects staff and Committee members as well as the organisation against allegations of impropriety or misconduct
- Ensures no one either benefits improperly or inappropriately or is unfairly disadvantaged by from their involvement with the Association
- Minimises the potential of situations arising that could give the perception of inappropriate conduct by staff or Committee members
- Ensures that staff and Committee members are aware of their responsibilities individually and collectively
- Puts in place a framework for supporting openness, transparency and accountability
- Outlines the arrangements the Association has in place for managing any breaches of this and related policies
- Ensures that the Association can, at all times and in all of its activities, demonstrate that situations have been managed properly and informed decisions have been taken objectively.

## 6.0 PRINCIPLES

There are a number of over-arching principles that apply to this policy which puts responsibilities on staff and Committee members to;

- Take personal responsibility for understanding and complying with the terms of this policy
- Always act in good faith when applying the terms of this policy
- To use a common-sense approach in the interpretation and application of the terms of this policy

## 7.0 DEFINITIONS

For the purposes of this policy, the following terms and definition shall apply;

**Interests:** any direct or indirect relationship or involvement which might influence the individual's judgement or decisions or give the impression that they were acting for personal motives or gain

**Significant Interest:** 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

**Conflicts of Interest:** a situation in which the individual's objectivity would be affected (or could be seen by others to be affected), if they were to participate in the decision-making process on a particular matter.

## 8.0 INTERESTS

There are a number of personal and business interests that staff or members of the Management Committee or someone they are closely connected to may have that fall under the remit of this policy and require to be declared.

Examples of the kinds of interests that must be declared are;

- Tenancy of a property of which the Association is the landlord
- Occupancy or ownership of a property which is factored by the Association
- Occupancy or ownership of a property that receives property related services from the Association
- Receipt of care or support services from the Association
- Membership of a community or other voluntary organisation that is active within the areas served by the association
- Voluntary work with another RSL or with an organisation that currently does, or is likely to do, business with the Association
- Being an elected member of any local authority where the Association is active
- The purchase of goods or services from the Association
- The purchase of goods or services from one of the Association's contractors or suppliers
- Significant shareholding in a company the Association does business with or is considering doing business with
- Membership of any other body whose interests and/or activities may directly affect the Association's work or activities
- Ownership of land or property in the Association's areas of operation other than those for personal residential use

- Unresolved disputes relating to the provision of services in connection with a tenancy or occupancy agreement with the Association
- Unresolved contractual disputes with the Association over the provision of goods or services

**Please note:** This list is not exhaustive and there may be other interests that should be declared. Where there is any doubt, staff and Committee members should seek clarification and guidance from the Chair or the Director.

In some circumstances declaration of an interest may not be sufficient to protect the probity and reputation of an individual and/or the organisation and it may be necessary for the Association

## 9.0 ENTITLEMENTS, PAYMENTS & BENEFITS

Many of the interests that require to be declared can be classed as an entitlement, payment or benefit.

Members of staff and Committee members potentially could be offered benefits such as gifts or hospitality from external parties that are over and above those they are contractually entitled to. As these offers are as a direct result of their connection to the Association, such offers require to be managed and recorded to ensure the highest level of probity and to demonstrate that neither staff or Committee members benefit or can be perceived as benefitting inappropriately from their involvement with the Association.

Some of these entitlements, benefits and payments are allowed while other are either never be permitted or permitted with additional requirements or conditions that must met beforehand.

Apart from payments that staff and/or Committee members are entitled to by contract, statute, policy or other agreement, the Association will only make a payment to, or accept a payment from, someone affected by the policy in very exceptional circumstances.

Details of what entitlements, benefits and payments that fall within the scope of this policy is set out in **Appendix 1**.

## 10.0 USE OF CONTRACTORS & SUPPLIERS

The Association is a contributor to the economies of the areas it works in and has a commercial and business relationship with many different companies, partners, contractors, suppliers and service providers.

To help support the Association to maintain its reputation, wherever possible staff and Committee members are required to avoid using contactors or suppliers used by the Association. This will also avoid the risk of a perception that staff or Committee members inappropriately benefit from reduced price, free materials etc.

An up-to-date list of the contractors and suppliers that fall under the terms of this policy is available from the Association's office and on its website.

The list will not include contractor or suppliers that;

- Only provide services to a value of £150 or less
- Have such a large national or local standing that no favour could realistically be gained (e.g amazon, utilities, banks etc)

However, it is recognised that there could be certain circumstances where it might not be possible to avoid the use of a contractor on the Association's list possible, for example, where local market condition makes it difficult to obtain a reasonable selection of potential contractors or suppliers.

Under such circumstances use of contractors or suppliers used by the Association maybe permitted provided that it can be demonstrated that no preferential treatment in terms, quality or any other aspect of service delivery due to involvement with the Association. Approval to use contractors or suppliers used by the Association will be at the discretion Director for staff or the Chair for members of the Committee in accordance with the Association's Scheme of Delegation. Approval will normally only be given where it can be demonstrated;

- There is no reasonable alternative suitable contractor or suppliers in the local that provides the service required
- There is no preferential treatment in terms of cost, quality or any other aspect of service delivery by providing quotations and receipts

Where a contractor or supplier used by the Association is inadvertently used (e.g. in an emergency), the Director or Chair must be notified as quickly as possible and an appropriate declaration registered.

## 11.0 APPROVAL

There are some activities that fall within the remit of this policy that require prior declaration and approval, such as the use of the Association's contractors, acceptance of a gift etc. These are set out in **Appendix 1**.

Where applicable, approval should be sought from the Director or, in the case of it being a Committee Member or the Director, from the Association's Chair.



In deciding if approval should be given, consideration will be given to;

- The level of potential reputational risk
- Any potential conflicts of interest
- The steps required to mitigate against future conflict of interests (e.g. ensuring the staff or Committee member is not involved in future decisions about the contractor or supplier in question)

To ensure a clear audit trail of every approval given, details of the requests and outcomes should be recorded in the prescribed form at **Appendix 2**.

## 12.0 CLOSE CONNECTIONS

As well as their own interests, staff and Committee members are also required to other people they have a close connection with when considering if a conflict, or potential conflict of interest exists.

Close connections includes family members and persons who might reasonably be regarded as similar to family members even where there is not relationship by birth or law.

Persons classed as a close connection for the purposes of this policy is outlined in **Table A**. The table also sets out the expectations on the level of responsibility for identifying interests or potential interest of a close connection.

**TABLE 1**

MEMBERS OF YOUR HOUSEHOLD	REQUIRED RESPONSE
<p>Includes:</p> <ul style="list-style-type: none"> <li>• Anyone who normally lives as part of your household (whether they are related to you or otherwise)</li> <li>• Those who are part of your household but work or study away from home</li> </ul>	<p>We expect you to be aware of and declare any relevant actions of all people in your household.</p> <p>You must take steps to identify, declare and manage these.</p>
PARTNER, RELATIVES & FRIENDS	REQUIRED RESPONSE
<p>Includes:</p> <ul style="list-style-type: none"> <li>• Your partners (if not part of your household)</li> <li>• Your relatives &amp; their partners</li> <li>• Your partner's close relatives (i.e. parent, child, sister or brother)</li> <li>• Your friends</li> <li>• Anyone you are dependent upon or who is dependent upon you</li> </ul>	<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.</p> <p>Under these circumstances you must take steps to identify, declare and manage these actions.</p> <p>Where you do not have a close connection or regular contact with</p>

	<p>someone in this group, you are not expected to be aware of, or go to unreasonable lengths, to identify any relevant actions.</p> <p>However, if become aware of relevant actions by such individuals, these should be declared and managed as soon as possible.</p>
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In considering the interest, or potential interest, of close connections there are a number of relevant actions, involvement and/or relationships that should be declared and managed.

Examples of the kinds of interests of close connections that must be declared are;

- A significant interest in a company or supplier that the Association does business with or are considering doing business with
- Where the individual may benefit financially from a company with which the association does business or are considering doing business with
- Involvement in the management of any company or supplier with which the Association does 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 the Association
- Application for employment with the Association
- Application to join the Association’s Management Committee or any of its subsidiaries
- Application to be a tenant or service user of the Association or any of its subsidiaries
- Existing tenants or services users of the Association

**Please note:** This list is not exhaustive and there may be other interests that should be declared. Where there is any doubt, staff and Committee members should seek clarification and guidance from the Chair or the Director.

### 13.0 MANAGING INTERESTS

To protect the Association’s reputation and to allow it to demonstrate that it conducts its affairs openly and with honesty and integrity, it shall;

- Maintain a Register of Interests
- Require all staff and Committee members to annually confirm that their relative entry in the Register is accurate and up-to-date. This annual declaration will be via completion of the prescribed form at **Appendix 3**
- Ensure staff and Committee members comply with the relevant Code of Conduct which contain requirements about declaring interests

- Require staff and/or Committee members to declare an interest in any discussions, including at a meeting, take no part in the applicable discussion or decision-making. Staff and/or Committee members may be asked to withdraw from any part of a meeting where the declared interest is under consideration.
- Provide the Management Committee with an annual report on the entitlements, payments and benefits that have been recorded in the register
- Make a summary of the register publicly available on the association's website

## **13.0 POLICY REVIEW**

The full Entitlement, Payments & Benefits Policy will be reviewed by the Management Committee every three years. However, elements of the policy may be subject to review within that period as required to comply with changes in regulatory standards or requirements, legislation or good practice.