



The Langstane Group

Entitlements, Payments and Benefits Policy

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Board / Committee	Board of Management
Approval date	21 March 2017
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Review date	March 2020
Version	1.1

Version	Date of approval	Changes
1.0	25 April 2016	New policy
1.1	21 March 2017	Update on those closely connected to relevant people, update on long service awards

1. Introduction

This policy relates to:

1. Governing Body members of Langstane Housing Association and any subsidiaries either in existence at present or created in the future (collectively known as the Langstane Group).
2. Everyone who works for and with the authority of the Langstane Group and any subsidiaries either as a direct employee, a contractor, a consultant or a volunteer. This is in a paid or an unpaid capacity.
3. Those who have held the above position within the last 12 months.

For the remainder of this policy the above will be referred to as 'relevant people'.

2. Policy Statement

Langstane Housing Association Limited (LHA) is a registered social landlord (RSL) and a Scottish Charity. Next Step Homes Limited (NSH) is a Registered Social Landlord. Stockethill Homes Limited (SH) is a private company. They currently form the Langstane Group (herein referred to as the Group).

For clarity, for the purposes of this policy, a tenant of one particular landlord is seen to be a tenant of the Group; a sharing owner / owner purchasing from one landlord is seen to be connected to the Group; and a relevant person is deemed to be a relevant person for all Group activities.

Registered social landlords are members of a sector that has a strong reputation for integrity and accountability to the people they exist to help and to the sector's Regulators. Therefore, the Langstane Group must ensure that its reputation and that of the sector, is upheld. Relevant people cannot benefit inappropriately from their connection with the Group.

This policy describes the entitlements, payments or benefits that relevant people are able to receive. It also describes what is not permitted and the arrangements that there are in place to ensure that the requirements of this policy are observed.

The Scottish Housing Regulator (SHR) requires Registered Social Landlords to have a policy that sets out what payments and benefits are permitted and to ensure that these arrangements demonstrate transparency, honesty and propriety. The Group must ensure there is no public perception of impropriety.

As Langstane Housing Association is a Scottish Charity, all of its Governing Body Members must also ensure that they comply with the Office of the Scottish Charity Regulator (OSCR) guidance to Charity Trustees and charity legislation.

This Policy is intended to be a practical document that supports the Group in meeting all of the above requirements, ensuring that no relevant people benefit improperly or inappropriately from their involvement with the Group, but also that they are not unfairly disadvantaged. The Group expects relevant people to act in good faith, and in applying the terms of the policy, the Group will always take this into account.

Relevant people affected by this policy, are personally responsible for ensuring that they are familiar with, and comply with, its terms.

At all times, the Group expect a common-sense approach to be applied to the interpretation and application of this policy. If there is any uncertainty about anything relating to benefits, payments or entitlements relevant people should consult with the Chairperson or Chief Executive (if they are a member of the governing body) or with their line manager (if they are a member of staff).

3. Objectives

The key objectives of this policy are to:

- Manage the interests of relevant people
 - Registering and declaring interests
 - Entitlements, payments and benefits
- Manage the interests of people connected to relevant people
 - Who and what should be considered when relevant people declare an interest
- Provide guidance on the use of contractors and suppliers to the Langstane Group by relevant people

4. Links to other policies

The Code of Conduct¹ is linked to this policy. Failure to comply with the terms of this policy are regarded as a breach of the Code of Conduct.

¹ The Code of Conduct – there are two Codes of Conduct. One signed by Governing Body Members, one signed by staff.

Relevant people are required to be familiar with and observe the terms of the Group's Antibribery and Fraud Policy. The Group prohibits any attempt to induce the Group's membership or relevant people to offer preferential services or business terms and the Group will, at all times, comply with the Bribery Act 2010.

The Group's policies relating to the following are relevant to this policy and must be complied with at all times:

- Allocations
- Data protection
- Shared ownership
- Disposals
- Repairs and maintenance
- Adaptations
- Procurement
- Training
- Expenses
- Recruitment
- Property disposals
- Decoration allowances / prizes

The above list is not exhaustive and relevant people are required to comply with all of the Group's policies and procedures.

5. Policy

Managing the interests of relevant people

Registering and declaring an interest

In order to protect the Group's reputation and demonstrate that affairs are conducted with openness, honesty and integrity, the Group maintains a Register of Interests (the register). Relevant people must record in this register any interests that they, or someone connected to them (see 'people connected to relevant people' section), may have which are relevant to the Group's business. An annual check will be made to ensure that the information held on file is accurate and up-to-date.

Where a relevant person has an interest in any matter that is being discussed or considered at a meeting, then a declaration of interest must be made and the relevant person take no part in the discussion; a relevant person must withdraw from any part of a meeting where this interest arises.

The Code of Conduct contains a section on Declaring Interests that must be complied with at all times.

An annual report will be made to the Group's Governing Body on the entitlements, payments and benefits that have been recorded in the Register.

Entitlements, Payments and Benefits

Many of the interests that relevant people are required to declare are classed as entitlements, payments or benefits.

A relevant person could be offered benefits over and above that to which they are contractually entitled, such as gifts or hospitality from external parties. Such offers are as a direct result of being a relevant person and cannot always be accepted. The Group requires that such offers are managed and recorded very carefully to ensure the highest level of probity within the Group. Relevant people must not, nor be seen to be, inappropriately benefiting from their involvement with the Group. Guidance is provided to all relevant people about what payments can and cannot be made.

Other than payments that relevant people are entitled to by contract, statute or other agreement (e.g. salary, expenses), the Group will only make payment to, or accept a payment from, someone affected by this policy in exceptional circumstances.

As the Group contributes to the economy(ies) of the local area(s), commercial and business relationships will form with many different companies, contractors, suppliers and service providers. Relevant people must be fully aware of any connection that they have (or someone close to them has) with any of these businesses or organisations.

There are some entitlements, payments and benefits that the Group can never permit and others that the Group will attach additional requirements or conditions to before these can be permitted.

People connected to relevant people

Who and what should be considered when relevant people declare interests

Who should be considered when relevant people declare an interest

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 law.

Group	Required response
<p>Members of your household</p> <p>This includes:</p> <ul style="list-style-type: none"> • Anyone who normally lives as part of the relevant person’s household (whether related to the relevant person or otherwise) • Those who are part of the relevant person’s household but work or study away from home 	<p>The relevant person connected to the Group must declare any relevant actions of all people within the relevant person’s household. The relevant person must take reasonable steps to identify, declare and manage these</p>
<p>Partner, relatives and friends</p> <p>This includes:</p> <ul style="list-style-type: none"> • The relevant person’s partner (if not part of the household) • The relevant person’s close relatives and their partners • The relevant person’s partner’s close relatives (i.e. parent, child, brother or sister) • The relevant person’s close friends • Anyone the relevant person is dependent upon or who is dependent upon the relevant person • Acquaintances (such as neighbours, someone the relevant person knows socially or has business contacts / associates with) 	<p>Where the relevant person has a close connection with and / or is in regular contact with anyone within this group, there is an expectation that the relevant person is aware of and declares any relevant actions.</p> <p>Where no close connection and / or regular contact is held, there is no expectation that the relevant person goes to unreasonable lengths to identify any relevant actions. However, if any relevant actions are known, there is an expectation that these are declared and managed as soon as practical</p>

What should be considered when relevant people declare an interest

The following are the relevant actions / involvement by those to whom relevant people are closely connected that, should a relevant person become aware, the Group would expect to be notified about and a declaration placed in the register (except where approval is required in advance):

- A significant interest in a company or supplier that the Group does 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 a person 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.
- Where the individual may benefit financially from a company that the Group does business with.
- Involvement in the management of any company or supplier that the Group does business with or which is on the Group's approved list.
- Involvement with tendering for, or the management of, any contract for the provision of goods or services to the Group.
- Application for employment with the Group.
- Application to join the Group's governing body or any of its subsidiaries.
- Application to be a tenant or services user of the Group.
- Application to purchase either in full or in part, property owned or managed by the Group.
- If they are an existing tenant or service user of the Group.

Where a person closely connected to a relevant person is employed (including self-employment) and it is through such employment that a declaration is required, it is sufficient for one declaration to be made and thereafter reviewed annually. This declaration should describe the employment and the likely relevant actions as clearly as possible. Where such relevant actions change or there are significant changes, the declaration of interest must be updated as soon as reasonably practical.

The use of contractors and suppliers to the Langstane Group

In order for the Group to maintain an excellent reputation, where possible, relevant people will be discouraged from using the Group's contractors and / or suppliers for personal purposes. A list of contractors and suppliers is made available to all relevant people. This is titled the Contractors and Suppliers List (hereafter referred to as the list).

The Group recognise that there can be certain circumstances where it might not be possible for relevant people to avoid the use of all the contractors and / or suppliers

on the list such as where market conditions in the local area makes it difficult to obtain a reasonable selection of potential contractors or suppliers. Under such circumstances, relevant people must be able to demonstrate (if required to do so by the Group) that no preferential treatment in terms of price, quality or any other aspect of service delivery, has been given due to their connection with the Group.

If a relevant person is looking to purchase goods or services from any contractor / supplier on the list provided, then a declaration must be made in the register outlining that no preferential treatment in terms of service or cost (which all relevant people may be required to demonstrate through quotations and receipts) was provided.

Where a contractor was to be used in the event of an emergency, notification must be made to the Chief Executive / Chairperson / Vice-chairperson as quickly as possible thereafter and an appropriate declaration made in the register.

It is for the relevant person connected to the Group to ensure that notification is made.

Any contractor / supplier not included on the list can be used without the need for any declaration or further action. However, under no circumstances must a connection to the Group be used to gain any benefit.

The Contractors and Suppliers List represents the majority of the contractors / suppliers that are used by the Group but does not include any of the contractors / suppliers that:

- Only provide services of a small value (e.g. local window cleaners or sandwich shops) or
- Have such a large national or local standing that no favour could ever realistically be gained (e.g. utilities, BT, banks or national chains).

Approval

Where approval is required in advance this will be dealt with in keeping with the Group's Scheme of Delegation. However, at all times the Chief Executive can provide clarity and guidance regarding any potential or actual conflicts of interest. Where the relevant actions relate to governing body members, the Chairperson (or in his / her absence, the Vice Chairperson) will be involved and may deal directly with the relevant person. All correspondence and conversations will be documented and retained for audit purposes in keeping with the data protection policy.

Where there is a potential conflict of interest identified, the Group reserves the right to discuss this with the relevant person and to ask that any conflicts are avoided

where there could be attributed directly to the relevant person's connection to the Group.

Any steps required to mitigate against future conflicts of interest will be considered. This will include ensuring that the relevant person is not involved in any transactions with, or decisions about, the contractor / supplier in question.

A clear audit trail will be maintained to record the total number of relevant people declaring an interest and / or using the Group's contractors / suppliers. This will also contain confirmation that no undue advantage was gained due to the relevant person's role within the organisation and details regarding any potential conflicts of interest.

Monitoring and review

An annual report will be provided to the governing body regarding Register of Interests.

The Group's Rules require the governing body to set down a policy on payments and benefits and to keep it under regular review. This policy is consistent with the requirements of the Codes of Conduct for governing body members and for staff. These Codes have been confirmed by the Scottish Housing Regulator as meeting their regulatory requirements.

Annual reports will be made to the governing body to advise of all Entitlements, Payments and Benefits.

This policy will be reviewed on a three yearly basis (from the latest amendments) or where substantial changes are required.