

<u>KNOWES HOUSING ASSOCIATION LTD</u>	
Policy Name	Declaration of Interest
Policy Category	Governance
Policy Number	G05
Date to Committee	February 2021
Previous Review Date	October 2019
Next Review Date	February 2024
Links to other Policies	G01 Code of Governance
Consultation	Committee

1. POLICY AIMS AND OBJECTIVES

The aims of this Policy are:

- It requires Committee Members and Staff to make a declaration about the Code of Governance (this is carried out when the declaration of interest form is signed on an annual basis).
- It requires Committee Members and Staff to register any external interests that they may have.
- It requires Committee Members to confirm that none of the criteria outlined at rule 43 of the Association's constitution (pertaining to eligibility for the Committee) applies.
- It requires Committee Members to confirm that they are aware of, and comply with, the key requirements of the Scottish Charity Regulator's guidance for trustees.
- It requires staff members to register any external interests that they may have.

2. EQUALITY STATEMENT

Through this policy, nobody will be discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

3. LEGAL FRAMEWORK

This policy is designed to ensure compliance with Guidance for Charity Trustees published by the Charities Regulator OSCR.

4. RISK ASSESSMENT

Compliance with this policy will ensure that all new Committee Members are eligible to serve as Committee Members, have read and understood the Association's Code of Governance and behave accordingly, declare any interests they may have to ensure transparency in decision making, and comply with the requirements of the Charities Regulator. By doing this the risks to the Association will be minimised.

5. POLICY

All new Committee Members, either following nomination at the AGM, or being nominated to fill a casual vacancy will be required to complete the following pro formas.

All staff will be required to complete the staff declaration form each September, all new members of staff will be required to complete the staff declaration prior to commencement with the Association.

This policy will be reviewed annually in August to ensure that updates are incorporated prior to signing in September following the AGM.

All completed forms will be kept in the Declaration of Interest Register, the Register will also be signed off to confirm each Committee and staff member has completed the declaration each year.



Knowes Housing Association Ltd.

Committee Member's Annual Declaration - Committee Year 2021/22

PURPOSE

This Pro Forma serves the following purposes:

- A. It allows Committee Members to make a declaration about the Code of Governance.
- B. It allows Members to register any external interests that they may have;
- C. It allows Committee Members to confirm that none of the criteria outlined at rule 43 of the Association's Constitution (pertaining to eligibility for the Committee) applies; and
- D. It allows Committee Members to confirm that they are aware of, and comply with, the key requirements of the Scottish Charity Regulator's guidance for trustees.

All Members are required to complete all sections in order to join or remain on the Committee.

Please note that you are required to sign each section separately. Any additional information should be noted on a separate sheet and securely fixed to this document.

SECTION A – Personal Details

Name: _____

Position on the Committee: _____

SECTION B – Declaration Regarding Code of Governance

Have you been provided with your own individual copy of the Association's Code of Governance for Committee Members?

Yes No

Have you read the code?

Yes No

Do you fully understand all sections contained in the code?

Yes No

Do you agree to abide by the code in its entirety?

Yes No

Please state any reason why you may not be able to adhere to the code:

Signed:

Date:



SECTION C – Committee Member’s Interests

Association’s policy on declarations of interests requires all Committee Members to register any external interests they have which may come into conflict with the business of the Association or their position as the Committee Member.

Please complete the following questions as fully and as truthfully as possible. If you are in any doubt about one or more responses, please raise this with the CEO who will offer you guidance.

1. Do you have any involvement with a business which trades for profit?
(Although Schedule 7 Housing (Scotland) Act 2001 has been repealed, Knowes Housing Association will continue to act within the spirit of Schedule 7, this is likely to mean that the Association will not be able to enter onto a contract with this business)

Yes No
2. Do you have any involvement with any organisation which may seek services from the Association?

Yes No
3. Do you have any involvement with any organisation which may seek funding or other support from the Association (this would include grants to residents organisations)?

Yes No
4. Do you have any involvement with any organisations from which the company may secure a loan, for example banks and building societies? (Apart from where the involvement is as a customer, for example a Committee Member has a mortgage or account with the bank)

Yes No
5. Are you a member of any other Registered Social Landlord? Yes No

If you have answered “Yes” to any of the above questions, please provide full details below (Continue on a separate sheet if required)

I, _____, confirm that the above responses are full and honest. I further undertake to notify the Association’s CEO immediately if there is any change to this.

Signed:

Date:



SECTION D – Declaration Regarding Eligibility to Serve

The following excerpt is taken directly from the Association's rules. Please read it carefully and sign the declaration only if none of the criteria applies.

You cannot become or remain or be re-elected as a Committee member if one of the following happens to you:

- You are declared bankrupt under the bankruptcy (Scotland) Act 1993;
- You are involved in an arrangement with your creditors;
- In the opinion of a qualified medical doctor, you are unable to go to the Committee meetings for 12 months because of incapacity due to physical or mental illness;
- You are sent to prison for a month or more or have been convicted of a crime of dishonesty for which the rehabilitation is excluded in terms of the said act;
- You are involved in any legal proceedings in any Court of Law by or against us;
- You are or will be away for a period of 12 months and are thus unable to attend the Committee meetings;
- You have been removed by The Scottish Housing Regulator from the Committee from another housing Association;
- You have been removed from a charity under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (in connection with the power of a court to remove or suspend any person who is concerned in the management or control of a charity); or
- A disqualified Order has been made against you under the Company CEOs' Disqualification Act 1986 (Which relates to the power of a court to prevent someone from being a CEO, liquidator or administrator of a company or a receiver or manager of company property or being involved in the promotion, formation or management of a company).

I, _____, confirm that none of the above applies to me. I further undertake to notify the Association's CEO immediately if there is any change to this.

Signed:

Date:



SECTION E – Declaration in Relation to Charitable Status

In its “Guidance for Charity Trustees” document published in 2006, the Charities Regulator (OSCR) outlines its expectations of trustees of charitable organisations in Scotland.

The Guidance is based on the Charities and Trustees Investment (Scotland) Act 2005 (“the 2005 Act”) and is relevant to Committee Members as Knowes Housing Association became a charity in February 1998.

General Duties

In line with section 66 of the 2005 Act, I agree to comply with the following at all times:

- Act in the interests of the Association;
- Seek, in good faith, to ensure that the Association operates in a manner that is consistent with its objects and purpose;
- Act with care and diligence that is reasonable to expect of a person who is managing affairs of another person; and
- Ensure that the Association complies with the provisions of the 2005 Act, and other relevant legislation.

Disqualification

You cannot become or remain or be re-elected as a Committee Member of a charitable RSL if one or more of the following applies to you:

- You have an unspent conviction for dishonesty or an offence under the 2005 Act;
- You are an undischarged bankrupt
- You have been removed under either Scottish or English Law or the courts from being a charity trustee;
- You have been disqualified from being a Company CEO.

I, _____, confirm that I understand and agree to abide by the criteria outlined under the section headed “General Duties”, above. I also confirm that none of the disqualification criteria applies to me. I further undertake to notify the Association’s CEO immediately if there is a change to this.

Signed:

Date:



SECTION F– Staff Member’s Interests 2021/22

Association’s policy on declarations of interest requires all staff members to register any external interests they have which may come into conflict with the business of the Association or their position as a staff member.

Please complete the following questions as fully and as truthfully as possible. If you are in any doubt about one or more responses, please raise this with the CEO who will offer you guidance.

1. Do you have any involvement with a business which trades for profit? *(Although Schedule 7 Housing (Scotland) Act 2001 has been repealed, Knowes Housing Association will continue to act within the spirit of Schedule 7, this is likely to mean that the Association will not be able to enter onto a contract with this business)*

Yes No

2. Do you have any involvement with any organisation which may seek services from the Association?

Yes No

3. Do you have any involvement with any organisation which may seek funding or other support from the Association (this would include grants to residents organisation)?

Yes No

4. Do you have any involvement with any organisations from which the company may secure a loan, for example banks and building societies? (Apart from where the involvement is as a customer, for example a Committee Member has a mortgage or account with the bank)

Yes No

5. Are you a Member of any other Registered Social Landlord?

Yes No

If you have answered “Yes” to any of the above questions, please provide full details below (Continue on a separate sheet if required)

I, _____, confirm that the above responses are full and honest. I further undertake to notify the Association’s CEO immediately if there is any change to this.

Signed:

Date: