Community Counts
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TO:	MHA Board
PREPARED BY:	Craig Boyle (Senior Governance & Compliance Officer)
SUBJECT:	Review of Entitlements, Payments & Benefits Policy
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APPROVED BY:	Paul Martin (CEO)
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ENTITLEMENTS, PAYMENTS & BENEFITS POLICY

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

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ENTITLEMENTS, PAYMENTS & BENEFITS POLICY

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1 MILNBANK HOUSING ASSOCIATION (MHA) STRATEGIC OBJECTIVES

MHA's mission is to provide excellent homes and services in a thriving community. We believe that people living in the MHA community should:

- Have warm, safe, and affordable homes, and receive excellent services from MHA.
- Live in neighbourhoods that are clean and well cared for, with real community pride.
- Have access to opportunities and services that promote a good quality of life.

2 MHA's VALUES

Working as 'One Milnbank' so that we offer the same quality of services, support and housing to all tenants and residents.

3 LEGAL & REGULATORY COMPIANCE

The MHA Board leads and directs MHA to ensure good outcomes for its tenants and other service users. The Scottish Housing Regulator's Regulatory Framework Financial & Regulatory, Standard 6 states that the governing body and senior officers have the skills and knowledge they need to be effective. MHA adheres to all relevant legislative and regulatory requirements as detailed throughout this policy.

4. INTRODUCTION

Who the Policy Affects

4.1 This policy is aimed at:

- All members of our Board and of the Board Members of any of our subsidiaries, for instance Milnbank Property Services (MPS).
- Everyone who works or volunteers for us or any of our subsidiaries

4.2 For the remainder of this policy the above will be referred to as "our people."

Why we have this Policy

4.3 We are 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 our organisation upholds its reputation and that of the sector. We have to ensure that our people cannot benefit or be seen to benefit inappropriately from their connection to us. Equally, we must protect our people from unjustified criticism and ensure that, wherever possible, no one is unfairly disadvantaged by their connection to us.

4.4 This policy describes the entitlements, payments and benefits that our people are able to receive. It also describes what is not permitted (and why) and the arrangements that we have in place to ensure that we are transparent

and accountable in how we comply with the requirements of this policy and our regulators.

4.5 Our Rules require that we have a policy dealing with payments and benefits. The Scottish Housing Regulator (SHR) requires us to have a policy that sets out what payments and benefits we permit and to ensure that these arrangements demonstrate transparency, honesty and propriety. We must ensure there is no justifiable public perception of impropriety. This policy is based on the SFHA's Model Entitlements Payments and Benefits Policy, which the SHR have confirmed meets their regulatory requirements.

4.6 As we are a Scottish Charity, all of our 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.

4.7 This Policy is intended to be a practical document that supports us in meeting all of the above requirements, ensuring that none of our people benefits (or is seen to benefit) improperly or inappropriately from their involvement with us, but also that they are not unfairly disadvantaged. We expect our people to act in good faith, and in applying the terms of the policy we will always take this into account.

4.8 As someone who is affected by this policy, you are personally responsible for ensuring that you are familiar with and comply with its terms. You are also responsible for ensuring that the Register of Interests is always up to date: declaring interests that are relevant to your role with us is key to the effective implementation of this policy.

4.9 At all times, we expect a common-sense approach to be applied to the interpretation and application of this policy. If you are unsure about anything relating to entitlements, payments and benefits you should consult with the Chair or CEO (if you are a member of the governing body) or with your line manager (if you are a member of staff).

What this Policy Covers

4.10 This policy covers:

- Managing Your Interests
    - Registering and Declaring Interests
    - Entitlements, Payments & Benefits
- People Connected to You
    - Who Else You Should Consider When Declaring Interests
    - What You Should Consider
- Use of Our Contractors/Suppliers by Our People

Other Relevant Polices

4.11 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.

4.12 You are also required to be familiar with and observe the terms of our Anti-Bribery and Fraud policy. 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.

4.13 Our policies relating to the following are also relevant to this document and must be complied with at all times:

- Gifts and Hospitality (MHA's policy that sets out the circumstances in which gifts and hospitality can/cannot be offered and/or accepted and the relevant values, taking account of the table at Section 9)
- Notifiable Events
- Allocations
- Repairs and Maintenance
- Adaptations
- Alterations & improvements
- Procurement
- Training & Development
- Expenses
- Recruitment & Selection
- Property Acquisitions & Disposals
- Settlement Agreements
- Gifts Hospitality & Donations
- Committee Induction Policy
- Membership Policy
- Committee Handbook
- Succession Planning Strategy
- Code of Governance
- Code of Conduct for Committee Members

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

5 MANAGING YOUR INTERESTS

Registering and Declaring Interests

5.1 Being open about any interests that our people have that are relevant to their role with us is critical to protect our reputation. Our Register of Interests helps to ensure and demonstrate that we conduct our affairs with openness, honesty and integrity. You must record in this register any interests that you or someone connected to you (see Section 6) has which are relevant to our business and /or our activities. You must maintain the accuracy of the

interests you declare and confirm annually that your entry in the Register is accurate and up to date.

5.2 Our Rules require that any Board member who has an interest in a matter that is being considered withdraws from all discussions and plays no part in decision-making. Where you have a personal or business interest in any matter that is being discussed or considered, including at a meeting (or someone connected to you has), you must declare your interest and play no part in the consideration, discussion or decision-making; you must withdraw from any part of a meeting where the interest arises. This requirement does not apply to Board members who are tenants where matters are being considered that relate to policy implementation affecting all or a substantial number of the association's tenants (e.g. rent increases). The requirement to withdraw relates to matters in which someone affected by this policy has an individual interest e.g. where they are the tenant of a property that is being considered for exceptional treatment (e.g. associated with RAAC) and that a decision will have an individual and personal impact on. If a GBM who has a conflict of interest shares factual information about the matter with the Chair (or any other GBM), outwith the meeting to inform discussion, that must be declared that to the meeting and the Chair must ensure that it does not influence the outcome and decision-making.

5.3 Constitutional Standard 23 requires a RSL to "…*have a clear process to identify and address any conflicts of interest*"[1]. This policy has been endorsed by the SHR and so complies with regulatory requirements.

5.4 The Codes of Conduct which our Board and staff are required to uphold contain requirements about declaring interests that you should ensure you are familiar with and comply with at all times.

5.5 An annual report will be made to our Board on the entitlements, payments, benefits that have been recorded in the Register(s) by our people.

5.6 The following are examples of the kind of interest that you must declare and ensure is managed appropriately. Please note that this list is not exhaustive, and there may be other interests that you should also declare.

- Tenancy of a property of which we are the landlord.
- Occupancy or ownership of a property which is factored or receives property related services from us.
- Receipt of care or support services from us.
- Membership of a community or other voluntary organisation that is active in the area(s) we serve.
- Voluntary work with another RSL or with an organisation that does,

or is likely to do, business or engage with us.

- Membership of the governing body of another RSL.
- Being an elected member of any local authority where we are active.
- If you purchase goods or services from us.
- If you purchase goods or services from one of our contractors or suppliers (see section 7).
- Significant shareholding in a company that we do business with (or are considering doing business with).
- Membership of any other body whose interests and/or activities may directly affect our work or activities.
- 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).
- 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.

5.7 You should be aware that in some limited circumstances, it is not possible to manage an interest effectively. Examples of an interest that cannot be managed effectively include – but are not limited to:

- An employee of MHA may not be a Board member.
- A close relative of an employee, who is in a position of seniority within MHA's employee structure cannot be a Board Member.

In some circumstances, specific measures will be required to ensure that the probity and reputations of the organisation and its people are safeguarded e.g by ensuring that all employment is undertaken openly and transparently and without the involvement of anyone connected to any applicant; by ensuring that employees who are connected are not line-managed (directly or indirectly) by the person they are connected to – if this is not possible, the 'benefit' (employment offer) cannot be conferred. Confirming that all interests are openly declared at the start of recruitment and procurement processes will assist in avoiding a breach of the policy and/or Code of Conduct or compromise regulatory compliance.

Entitlements, Payments and Benefits

5.8 Many of the interests you will be required to declare can be classed as entitlements, payments or benefits.

5.9 As one of our people, you are entitled to receive payments and benefits in accordance with the terms of our policies and, for staff, employment contracts. There are occasions where you could be offered benefits over and above what you are entitled to such as gifts or hospitality from external parties. These offers would be directly because you are one of our people and cannot always be accepted. We require that any such offers are managed and recorded very carefully to ensure the highest levels of probity in our organisation. Our people should not benefit – or be seen to benefit – inappropriately from their involvement with us.

5.10 Apart from payments that our people are entitled to by contract, statute, policy or other agreement (e.g. salary, expenses), we will only make a payment to, or accept a payment from, someone affected by this policy in exceptional circumstances. The table at section 9 explains the payments we can and cannot make in more detail.

5.11 As we contribute 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, you must ensure that we are fully aware of any connection that you or someone you are close to (see section 6) has with any of these businesses or organisations.

5.12 There are some entitlements, payments and benefits that we can never permit, and others where we have additional requirements or conditions that must be met, before we can permit.

5.13 The table at Section 9 lists the entitlements, payments and benefits that fall under this policy, and states:

- Which can be permitted by the organisation
- Which will not be permitted by the organisation
- Which you require to declare in the register of interests
- Any other further requirements the organisation has before permitting

6 PEOPLE CONNECTED TO YOU

Who Else You Should Consider When Declaring Interests

6.1 As well as considering your own actions, you must be aware of the potential risk created by the actions of people to whom you are **closely connected**. Someone 'closely connected' to you includes members of your household, family members and other relatives and your friends.

6.2 Who you should consider, and our expectations of you to identify and declare relevant actions, are outlined in Table A below. If you are in any doubt about

whether or not a declaration is required, you should consult the Chair, CEO or, for staff, your line manager.

Table A: People who are Closely Connected to one of Our People

Group	Required Response
1. Members of your household This includes: • Anyone who normally lives as part of your household (whether related to you or otherwise) • Those who are part of your household but work or study away from home	We expect you to be aware of and declare any relevant actions of all people in your household. You must take steps to promptly identify, declare and manage these.
2. Partner, Relatives and friends This includes: • Your partner (if not part of household) • Your relatives and their partners • Your partner's close relatives (i.e. parent, child, brother or sister) • Your friends • Anyone you are dependent upon or who is dependent upon you	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. Where you do not have a close connection and/or 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.

What You Need to Consider

6.3 The following are the relevant actions /involvement by those **to whom you are closely connected** that you should consider, declare and manage as per our expectations outlined in Table A (please be aware that this list is not exhaustive or exclusive and that some interests and their potential conflicts cannot be reconciled with the purpose and terms of this policy):

- A significant interest in a company or supplier that we do business with (or are considering doing 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.

- Where the individual may benefit financially from a company or supplier with which we do business (or are considering doing business with)

- Involvement in the management of any company or supplier with which we do business (or are considering doing business with)

- Involvement in tendering for or the management or delivery of any contract for the provision of goods or services to us.

- Application for employment with us.

- Application to join our Board or any of its subsidiaries

- Application to be a tenant or service user of MHA or any of its subsidiaries

7 USE OF OUR CONTRACTORS & SUPPLIERS

7.1 In order to help us maintain our excellent reputation, where possible you should avoid using the organisation's contractors/suppliers for your own personal purposes. We have made a list available to all of our people which outlines the contractors and suppliers that fall under the terms of this policy. This is included at Appendix A.

7.2 We recognise that there could be certain circumstances where it might not be possible for you to avoid the use of all the contractors/suppliers on this list, such as where market conditions in your local area make it difficult to obtain a reasonable selection of potential contractors or suppliers. Under such circumstances you could be permitted to use those contractors/suppliers outlined at Appendix A, provided you are able to demonstrate that your involvement with us did not result in you receiving preferential treatment in terms of price, quality or any other aspect of service delivery.

7.3 Approval to use those contractors listed at Appendix A is at the discretion of the approving officer (in accordance with our scheme of delegation). In order to be granted approval, you must be able to demonstrate that there is no reasonable alternative contractor/supplier providing the service required in your local area, and that you will receive no preferential treatment in terms of service or cost (which you will be required to demonstrate through quotations and receipts).

7.4 If you are looking to purchase goods or services from any contractor/supplier on this list then you must make a declaration in the register outlining:

- That you have received approval from the appropriate approving officer prior to the commencement of works

- That you received no preferential treatment in terms of service or cost (which you will be required to demonstrate through quotations and receipts).

- Where you inadvertently use a contractor on the list at Appendix A in an emergency situation, you must notify the approving officer as quickly as possible thereafter and enter an appropriate declaration in the register.

7.5 Any contractor/supplier not included on the list at Appendix A can be used without the need for any declaration/further action. Appendix A represents the majority of the contractors/suppliers that we use, but does not include any of our 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. Amazon, utilities, telecoms providers, banks or national chains)

7.6 The approving officer will have an appropriate level of seniority, in accordance with our scheme of delegation. In making their decision, the approving officer 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. This includes ensuring that the individual is not involved in any transactions with or decisions about the contractor/supplier in question on behalf of the organisation.

7.7 MHA will maintain a clear audit trail of every approval to use any of our contractors listed at Appendix A. The total number of our people to use contractors and suppliers, including the reasons for approval, and confirmation that no advantage was gained due to an individual's role within the organisation - will be formally reported annually to our Board.

8 GRANTING A TENANCY

8.1 Being one of our people or being closely connected to one of our people should not prevent someone being allocated a tenancy if they are in housing need and the terms of our allocations policy are met. To ensure transparency and probity, consideration of the application/allocation should be carried out completely independently of the individual; their connection to the MHA must be explicitly identified and the allocation and should be approved by a senior officer, in accordance with our Scheme of Delegated Authority. The allocation should be registered within FIVE days of being made and reported to the next meeting of the Governing Body, along with confirmation that the necessary management processes were followed.

8.2 This is outlined within the entitlements, payments and benefits table at section 9 of this policy (see 9.12).

9 ENTITLEMENTS, PAYMENTS AND BENEFITS

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
HUMAN RESOURCES AND RECRUITMENT			
9.1	All entitlements arising from your contract of employment with us or one of our subsidiaries, including (but not restricted to): • Payment of salary to staff • access to car or travel loans or salary advances/ sacrifices where specified in the employment contract; • pension and/or private health care provided as part of the remuneration package; • performance related pay or bonus awarded in accordance with contractual terms; • books and equipment in connection with employment or training in accordance with agreed policies and/or contractual terms • Reimbursement of professional fees Access to discounts (or similar) for personal use / purchase of goods / services as part of employment terms / benefits	Yes	Any entitlement in the terms of your contract is always permitted without the need to record in the register of interests. There are Human Resource processes in place for this purpose.

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
9.2	Payment to a member of the Board for their role as a Board member, in accordance with the terms of their letter of appointment	No	Our policy is not to pay Board members, for their service (other than out of pocket expenses).
9.3	All payments made in accordance with the terms of our expenses policy including: • payment of permitted out of pocket expenses • reimbursement of travel costs	Yes	Entitlements in connection with your role as one of our people set out in our expenses policy are always permitted and do not need to be declared provided claims are made in accordance with our procedures.
9.4	Provision of a loan by the organisation to one of our people	No	This is not permitted unless in connection with the contractual terms of employment (e.g. a loan to support education or training costs). We cannot make any other loans to individuals.
9.5	Redundancy or Voluntary severance payment to an employee	Yes	We can make redundancy payments to an employee in line with their contract of employment or the relevant statutory provisions. We can also make a voluntary severance payment which is outside the terms of the contract of employment provided it is in accordance with the Staff Severance Policy.

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
9.6	An offer of employment (temporary or permanent) to someone who is closely connected to a member of staff	Yes	This is permitted as long as: • There has been an open recruitment exercise in accordance with our policy that you have not played any part in *and* • You have no direct or indirect line management or supervision responsibility for the post *and* • The offer of employment complies with our policy and is approved by the Board *and* • You record your connection to the successful applicant in the register within five days of their acceptance of the offer. Since there can be no direct or indirect line management responsibility, someone who is closely connected to the CEO cannot be appointed to any role.
9.7	The offer of employment (temporary or permanent) to someone who is: • A current member of the Board • Was previously a member of the Board in the past 12 months	No	This cannot be permitted. This is because the governing body is the employer and determines all policies, terms and conditions relating to our employment practices. Equally, if someone who is, or has recently been a member of the GB, it is essential to ensure that it is not possible for there to be any risk of a perception that they have received favourable treatment and/ or had access

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
			to privileged information about a post that they are subsequently recruited to.
9.8	Appointment of one of our staff members to the Board	No	This cannot be permitted in accordance with the Rules of the organisation.
9.9	Nomination, election or co-option to the governing body of someone who was, in the last twelve months, a member of staff	No	This cannot be permitted. This is because the governing body is the employer and determines all policies, terms and conditions relating to our employment practices. Consequently, it is very difficult to avoid the risk of a perception that someone who has recently been an employee may may be able to exert inappropriate influence.
9.10	Nominations to join the Board from people who are connected to a serving member.	Yes	This is permitted under MHA's Rules, declare the relationship in the Register of Interests.
9.11	Nomination to join the Board from someone who is closely connected to an employee	Yes (but only in limited circumstances)	Appendix B sets out a Protocol which will be followed where a prospective MC member is closely connected to an employee of MHA.
OUR PEOPLE AS TENANTS OR SERVICE USERS			
9.12	The offer of a tenancy or lease in one of our or any of our subsidiaries' properties to one of our people or to someone closely connected to them.	Yes	This is permitted as long as • it is in accordance with our published allocations policy and our procedures for determining an allocation involving one of

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
			our people or someone closely connected to them **and** • Neither the applicant or anyone connected to the applicant is involved in any way or in any part of the allocation process **and** • The tenancy is recorded as an interest in the appropriate register within five days of the tenancy commencing and reported to the Board at its next meeting.
9.13	Where one of our people (or someone connected to one of our people) is a tenant and receives a repair, improvement or adaptation to their home Where one of our people is a tenant who is eligible to receive 'in-kind' support (e.g. fuel voucher, energy saving appliance) that is available to all tenants, this does not need to be individually registered/recorded as the tenancy has already been declared and registered	Yes	**Repairs** carried out in accordance with our policy do not need to be recorded. **Adaptations** must comply with our policy and be approved by the Director of Asset Management. The adaptation should be recorded in the register of interests within five days of approval. **Improvements** must be carried out as part of an approved programme and in accordance with our policy. The person affected should declare their interest if/when the programme is being discussed and the improvement recorded in the register of interests within five days of completion.
9.14	Where one of our people (or someone connected to one of our people) is a tenant and receives payment of a decoration	Yes	**Payment of decoration allowances or incentive/reward payments** must be made in

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
	allowance, tenant reward/incentive as part of an agreed scheme or prize.		accordance with our policies and procedures and recorded in the register within five days of receipt. **Prizes or awards** in competitions open to all tenants in the same community (e.g. garden competitions) can only be given if the selection process for giving the award/prize has been carried out by someone who is independent. Receipt of the award and the circumstances surrounding it must be recorded in the register within five days of receipt.
TRAINING AND EVENTS			
9.15	Attendance at training events or seminars (e.g. SFHA Conferences) or openings/similar events hosted by other RSLs	Yes	There is no requirement to declare and record in the register of interests.
9.16	The organisation paying for accommodation in connection with attendance at relevant conferences or events that you are attending on behalf of or in connection with your role with us or our subsidiaries	Yes	Accommodation that is part of a conference or training package does not need to be recorded in the register, but attendance will be recorded on the relevant individual training plan. Residential conferences are important in ensuring that our people have the necessary skills, knowledge and experience to make an effective contribution to our activities.

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
9.17	Attendance by you at events to mark awards, achievements or other significant milestones relevant to our business and that do not form part of a sector conference e.g. SFHA Annual Conference.	Yes (where total cost does not exceed £500)	The Board must approve attendance in advance, and will only do so if: • The organisation or one of our people (because of their role with us) has been nominated for an award; or • attendance is in recognition of achievement of or in pursuit of appropriate business development; or • we can demonstrate that attendance or participation is directly related to furthering our aims and objectives. Where we ask you to represent us at such an event, this should be recorded in the register along with any associated costs (including travel, accommodation and the costs of attendance at the event) within five days of attendance. **The total cost should not exceed £500 per person, and we will make all arrangements in advance.** Where costs would exceed £500, we will not normally seek to be represented at such an event. If there is a clear, viable business case for attending, a report will be presented to the Board

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
			in order that their specific approval is obtained in advance.
GIFTS AND HOSPITALITY			
9.18	Gifts received from tenants and external sources	Yes (not exceeding the value detailed in the Gifts, Hospitality & Donations Policy)	Small gifts (e.g. a box of chocolates, pens, folders, paperweights, flowers) can be accepted if: • the cumulative value of gifts received from the same source in a 12-month period does not exceed the value detailed in the Gifts, Hospitality & Donations Policy • you do not receive more than three such gifts from the same source in a 12-month period • you record receipt of the gift(s) in the register You should not normally accept other gifts and should decline any gifts of a value higher than permitted in the Gifts, Hospitality & Donations Policy, unless to do so would cause offence or otherwise damage our reputation. In these cases you must:

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
			• Advise the donor that the gift will be donated to charity or will form part of our annual charity fund raising activities • Record the gift and the action taken in the register within five days You should not regularly accept gifts from the same source and never more than three times from the same source within a 12-month period. This restriction is intended to protect our people from any suggestion of impropriety in how they conduct themselves when acting on our behalf. The total cumulative value of gifts received from the same source over the course of a year must never exceed the value detailed in the Gifts, Hospitality & Donations Policy. You should also record any offers that you decline and the reasons for this, in the register within five days.
9.19	Gifts given from us to one of our people or received by one of our people from external sources to mark special occasions	Yes (not exceeding the value detailed in the Gifts, Hospitality &	Gifts from the organisation to our people can be permitted in cases where it is to mark a special occasion or significant events including: • Family events (e.g. marriage, milestone birthday, birth of a child), • Retirement

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
		Donations Policy)	• Leaving the organisation These must be recorded in the relevant register and the value of such gifts will not normally exceed the value detailed in the Gifts, Hospitality & Donations Policy. Connected people who are not employees are responsible for ensuring that any tax liability associated with a payment you are entitled to receive is met. Please note, that this does not include collections by our people using their own personal funds to mark special occasions. These are always permitted with no requirement to declare. For staff, contractual terms may be in place that dictate the value of any gift upon retirement/long service.
9.20	Hospitality associated with our business and that of its partners	Yes (in certain circumstances and when not exceeding the value detailed in the Gifts, Hospitality &	Modest hospitality, such as a sandwich lunch or networking event, is permitted and does not need to be recorded All other hospitality, no higher than the value detailed in the Gifts, Hospitality & Donations Policy, is permitted but must be recorded in the register, along with an estimation of the value of

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
		Donations Policy)	hospitality received, within five days of attendance. Contributions to seasonal celebrations for staff and Board (e.g. Christmas) are permitted: it is for individual RSLs to set the terms of such contributions which, of course, must not exceed what is permitted in the Gifts, Hospitality & Donations Policy. You should not accept invitations with a value higher than permitted in the Gifts, Hospitality & Donations Policy, unless you have prior approval from the Board. The type of hospitality offered will also be taken into consideration, e.g. we will not normally accept invitations to sporting events, concerts, golf tournaments etc. In this case, the reason for acceptance must also be included in the register and countersigned by the Chair/CEO
9.21	Our people seeking donations from our contractors/suppliers when fundraising for charity	Yes	This is permitted provided: • Approval is gained from the Chair/CEO prior to making any approach • Any donations received are recorded in the register

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
			We recognise our social responsibility and promote charity fundraising by the organisation and our people.
PROCURING GOODS/SERVICES			
9.22	Sale of our interest (whole or part) in a property to someone affected by this policy via LIFT, HomeBuy; Help to Buy or other LCHO scheme	Yes	This is permitted, provided: • Our policy and procedures are followed • The prospective purchaser should play no part in the processing of the transaction by the organisation • It is declared and recorded in the register within five days of the missives being concluded confirming the process followed.
9.23	The organisation entering into a contract with a contractor or service provider where one of our people, or someone connected to them, has significant control **and** the contract is within the scope of public procurement legislation.	It must be permitted where excluding the contractor/service provider would put the organisation in breach of its obligations under applicable	This must be permitted where: • (1) the contract is subject to applicable procurement legislation (including the Public Contracts (S) Regulations 2015 and the Procurement Reform (Scotland) Act 2014); and • (2) the contract has been procured in accordance with that legislation and the contractor/service provider has not been excluded and has been selected as the preferred bidder.

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
		procurement legislation.	In particular it will be necessary to ensure that any potential conflict of interest is managed during the procurement process in order to avoid any distortion of competition and ensure equal treatment of contractors. This may be achieved by the following: • The person connected to the contractor has played no part in the development of the terms of the procurement exercise or the contract prior to it being advertised. • The person connected to the contractor is not involved in any part of the procurement process (including specification of the contract requirements) or decision to award the contract. If the above steps are taken, then it is unlikely to be lawful to exclude the contractor. If those steps cannot be complied with then it may be both permitted and necessary to exclude the contractor, but only if there is no other means short of exclusion to remedy the conflict of interest. The appointment of a connected contractor must be reported to the Board and recorded in the

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
			relevant Register(s) along with details of the process followed. Once the contract has been awarded in accordance with the relevant procurement legislation, the organisation must manage the contract in accordance with the Scottish Housing Regulator's Standards of Governance and Financial Management, particularly Regulatory Standard 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*.
9.24	The organisation entering into a contract with a contractor or service provider where one of our people, or someone closely connected to them, has significant control, and the contract **is not** within the scope of public procurement legislation	Only in specific and limited circumstances	. We could only consider this where: • There is no reasonable alternative (e.g. because of geography or the specialist nature of the goods/services) AND • The person affected by this policy is not involved in any part of the procurement process or decision • The appointment is approved by the Governing Body which is satisfied that the appointment is reasonable in the circumstances

REF	EXAMPLE	CAN THIS BE PERMITTED?	ACTION NECESSARY
			In such rare circumstances, the appointment must be recorded in the register along with details of the process followed.
9.25	The purchase of land or other assets from anyone who is, or has been in the last twelve months, one of our people or who is closely connected to one of our people	No (in almost all cases)	This cannot be permitted in almost all cases. The only exception would be if you were referred to us under the Scottish Government's Mortgage to Rent scheme, where this would be permitted provided: • Our policy and procedures are followed • The prospective seller plays no part in the decision to purchase the property or the processing of the transaction by the organisation • It is declared and recorded in the register within five days upon conclusion
9.26	The purchase of goods/services from our suppliers/contractors by one of our people	Yes – if no other reasonable alternative exists	This should normally be avoided, and will only be potentially permitted if the procedure identified in Section 7 is followed

10 BREACHES OF THE POLICY

10.1 Breaches shall be treated as a breach of the Code of Conduct and be reported to the MC. In the case of MC or MPS Board Members, MHA will follow the procedures set out in the Code of Conduct to investigate alleged breaches or related policies and procedures. Staff alleged breaches will be dealt with using MHA's disciplinary procedures.

11 EQUALITY & HUMAN RIGHTS

11.1 MHA's is committed to equal opportunities, and we will respond to the different needs and service requirements of individuals, and we will not discriminate against any individual for any reason outlined in Equality & Human Rights Legislation.

12 DATA COLLECTION

12.1 MHA will manage all personal data in accordance with our obligations under the GDPR regulations and the Association's Policy.

13. POLICY MONITORING & REVIEW

13.1 The Entitlements, Payments and Benefits Policy will be reviewed by the relevant Board on a triennial basis, or earlier if deemed necessary by legislative or regulatory updates.

APPENDIX A

APPROVED CONTRACTORS' FRAMEWORK 2026

Detailed below are those firms on the Approved Contractors Framework. This is as comprehensive as possible; the list notes the Firm and a brief description of the trade/work undertaken for us.

Multi-Trade Contractors
Timetra Ltd
MP Group UK Limited
Bell Decorating Group Limited

Joiner Contractors
Timetra Ltd
Bell Decorating Group Limited
MP Group UK Limited
Graham Marshall & Son Ltd
Stuart Wilson Installations
RS Electrical Services (Scotland) Ltd
AA Home Improvements

Plumber Contractors
Timetra Ltd
MP Group UK Limited
Bw heating and plumbing ltd
Scotia plumbing & heating

Electrical Contractors
The city electric company limited
Magnus Electrical Services Limited
Sound Service
RS Electrical Services (Scotland) Ltd
A Brown Electrical
Robertson Electrical Services

Painter Contractors
Bell Decorating Group Limited
PSI decorators
J S McColl Painting Contractors Ltd
Steven Gough Decorators
M Scott Decorators

Plastering Contractors
Steven Gough Decorators
J Dunsmore Plasterer
P.Veldon Building & Maintenance

Roofing Contractors
K & G Roofing Ltd
P.Veldon Building & Maintenance
Ark Property Maintenance Ltd
Advance Height Services Ltd

Builder Contractors
MP Group UK Limited
MCR Scotland Ltd
Ark Property Maintenance Ltd

Drainage Contractors
Probe Drainage Specialists Ltd

APPENDIX B:
Protocol: Board membership – further detailed requirements

CONTEXT
MHA's Rules provide:

> ***37.4 An employee of the Association may not be a Committee Member. A Close Relative of an employee may only be a Committee Member where the Committee has satisfied itself that it is in the best interests of the Association and permitted by the Association's policies and any statutory or regulatory provisions relating to the appointment of someone related to an employee.***

This Rule applies to all Board members whether they have been elected, appointed to a casual vacancy between annual general meetings, or co-opted (at any time). The Rule and this Protocol have been introduced by MHA for the following reasons:

- MHA is a key employer in the area in which it operates. As a community-based Association MHA is keen to encourage membership to people living in that area. The Board members are drawn from that MHA membership. Many MHA employees are locally based and related to MHA members. If anyone connected to an MHA employee is excluded from MC membership this excludes several otherwise entirely appropriate candidates.
- However, it is also important to ensure that no employee/MC member relationship could lead to inappropriate actions (however inadvertent) on the part of either an employee or Board member. Therefore, a clear protocol is required.
- MHA is keen to expand recruitment options for the MC, and these measures are intended to offer not only some expansion, but also more equality and diversity, in recruitment to the Board.

MHA has developed this Protocol to clarify those, limited, circumstances in which relatives of employees may be Board Members. The Protocol seeks to recognise the potential conflicts that can exist with the Governance of a community-based charity where residents who are related could be either employees or Board Members of MHA. The aim of the Protocol is to put in place appropriate safeguards that would allow people who are related to become voluntary Board members where they have a close family connection to an employee.

Key elements of the Protocol

Number of Board Members connected to an employee.
There will be a limit on the number of Board members who can be connected to an employee of MHA. The intention is that no more than 20% of the Board members (to the nearest whole number) can have a Close Relative who is an employee of MHA. This will be checked at every annual general meeting (AGM), to ensure that immediately following each AGM, no more than 20% of the Board members have a Close Relative who is an employee of MHA. Therefore, this limit may have an impact on which nominees to the Board can be considered for appointment in any one year.

Charity law restrictions
All MHA Board members must be aware of any persons or bodies that are "connected" to them. Please see Appendix 1 of this Policy for the definition of **Close Relative** and **closely connected persons** more generally.

Charity law requires that certain conditions must be met before any payment or benefit in kind is given to a person, institution, or body, "**connected**" to a Board Member, because the Board Members are the charity trustees of MHA (again, see Appendix 1 for definition of "**connected**").

This will include payment of an employee's contracted pay and benefits if a Board member (or prospective Board Member) is "connected" to that employee. Therefore, if considering an application for nomination as a Board Member a person who has a Close Relative who is an employee of MHA, then ALL these conditions must be met before that nomination can go forward:

1. A maximum amount of remuneration/benefit must be set in writing – that is, a potentially "connected" MHA employee must have a clear written contract with clearly stated pay and benefits.

2. The amount of remuneration/benefit must be reasonable, i.e. a potentially "connected" MHA employee must be paid an appropriate and reasonable amount for their job, and certainly no more than anyone else who might be employed in that post.

3. The remuneration/benefit paid to the "connected" MHA employee should be in MHA's best interest – this is for the Board to decide.

4. Nothing in MHA's Rules prohibits the remuneration/benefit. Rule 37.4 confirms it is possible for an employee to be "connected" to a Board member, but only when it is in the best interests of MHA and permitted by MHA's policies (such as this Protocol) and any relevant statutory or regulatory provisions.

5. Less than half the Board members receive remuneration/benefit of any kind, while MHA does not provide any direct remuneration to Board members, this includes:

    - those Board members with a "connected" MHA employee,
    - any other forms of remuneration/benefit to "connected" bodies or persons, all as set out in Appendix 1.

    Compliance with this condition 5 will be a matter of fact to be checked on each occasion a potential new "connection" is identified.

Safeguards & Declaration of Interest

A person with a Close Relative who is an employee may be considered as a Board Member if their Close Relative is not in a position of seniority within the MHA employee structure. If the employee is at the level of a manager or above, then the person related to them will not be eligible to be a Board member.

If an employee connected to a Board Member seeks promotion or a change of role, the relevant Board Member cannot be involved in the promotion recruitment exercise, declaring an interest, and ensuring they have no part in that process. If the connected relative is chosen for the promoted post or new role, and that may mean that:

- the Board Member is no longer eligible to remain appointed in line with this Protocol, in which case that Board Member must step down; or

- the Board Member is no longer eligible to remain appointed to Sub-Committee(s) in line with this Protocol, in which case their Sub-Committee appointment(s) must come to an end.

Similarly, if a Close Relative connected to a Board Member seeks employment with MHA or its subsidiary, the relevant Member cannot be involved in the relevant recruitment exercise, declaring an interest, and ensuring they have no part in that process. If the connected relative is chosen for the post, that may mean that:

- the Board Member is no longer eligible to remain appointed (in line with this Protocol) in which case that Board Member must step down; or
- the Board Member is no longer eligible to remain appointed to Sub-Committee(s) or as an Office Bearer, in line with this Protocol, in which case their Sub-Committee or Office Bearer appointment(s) must come to an end.

Any connection between a Board member and an employee must be recorded in the Register of Interests and declared as appropriate, as set out at section 4 of this Policy.

Examples
The following tables explain when an applicant for nomination to Board is **not** eligible for consideration as a a Board member of an MHA subsidiary, a member of an MHA Sub-Committee or an Office Bearer; or if they may be considered for any of these roles.

Any eligible application does not automatically result in appointment.

An eligible applicant is also subject to:

- The restrictions noted above; and

- All the other criteria for eligibility (in MHA Rules, subsidiary company constitutions, and/or any other relevant policy document – see other relevant policies at end of this Protocol); and

- Provisions in the Rules/relevant subsidiary constitution regarding appointment, including where appropriate the election process at an AGM.

A successful eligible applicant with a close relative who is an employee, who becomes a Board or subsidiary company Board member, will also:

- Must make an appropriate entry in the Register of Interests regarding their relative who is an employee; and

- Must ensure their interest is declared, as and when appropriate, throughout the period of their appointment; and

- Not be eligible to participate in staffing matters (examples in the tables below).

ELIGIBILITY FOR MANAGEMENT BOARD OR SUBSIDIARY BOARD(S)

Relationship of potential Board **/Subsidiary Board member to an MHA employee**	**Are they Eligible or Not eligible to be considered for Board/ Subsidiary Board?**	**Illustrative Examples (not intended to be exhaustive)**
A potential Board Member who is a close relative of an MHA employee working at Manager Level or above.	**Not eligible** to be considered for the Board. This extends to MHA's Sub-committee's and the Boards of subsidiary companies.	*A potential* Board *Member who is the brother of MHA's Housing Services Manager submits a nomination to the join the* Board*. This nomination could not be accepted*.
A potential Board Member who is a close relative of an MHA employee working up to (but not at) Manager Level	**Eligible** to be considered for the Board, a Sub-committee and the subsidiary Boards **However, no longer eligible** if their relative is promoted to Manager Level (or above).	*A potential* Board *Member who is the brother of MHA's Estate Caretaker submits a nomination to the join the* Board*. This nomination can be accepted.* *If the Estate Caretaker was then promoted to Estate Manager, the* Board *Member would no longer be eligible to remain on the* Board*, therefore, the* Board *Member must step down.*
A potential Board Member who is a close relative of an employee of MPS. NOTE: MPS is a subsidiary company of MHA (the parent). Employees of MPS are employed by the relevant subsidiary.	**Eligible** to be considered for the Board and/or a Sub-Committee of MHA. **Not eligible** to be a Board Member of the relevant "connected" subsidiary company.	*A potential* Board *Member who is the brother of MPS' Factoring Assistant submits a nomination to the join the* Board*. This nomination can be accepted.* *However, the brother of the Factoring Assistant cannot sit on the Board of MPS.*

ELIGIBILITY FOR MHA SUB-COMMITTEES

Relationship of Board **member to an employee**	**Sub-Committee**	**Are they Eligible or Not eligible to be considered?**
An Board Member who is the close relative of any employee of MHA or a subsidiary company (at any level).	**Governance Sub-Committee:** part of the remit of this sub-committee includes some staffing matters.	***Not eligible*** *to serve on the Governance Sub-Committee*
An Board Member who is the close relative of any employee of MHA or a subsidiary company (at any level).	**Audit & Risk Sub-Committee**	***Eligible*** *to serve on the Audit & Risk Sub-Committee.* ***Not eligible*** *to Chair this Sub-Committee.*
An Board Member who is the close relative of any employee of MHA or a subsidiary company (at any level).	**Remuneration Committee**	***Not eligible*** *to serve on the Remuneration Committee*

ELIGIBILITY FOR OFFICE BEARER ROLES

Relationship to an employee	**Office bearer roles**	**Are they Eligible or Not eligible to be considered?**
An Board Member who is the close relative of any employee of MHA or a subsidiary company (at any level).	All office bearer roles whether for the Board or a subsidiary company	***Not eligible*** *to serve as an office bearer.*

PARTICIPATION IN STAFFING MATTERS

Relationship to an employee	**Are they Eligible or Not eligible to participate in staffing matters?**	**Illustrative Examples (not intended to be exhaustive)**
An Board Member who is the close relative of any employee of MHA or a subsidiary company (at any level).	**Not eligible** to participate in any staffing matters.	*Examples include:* • *Annual Staffing Report* • *Organisational staff re-structuring* • *Salary and conditions negotiations* • *Staff pension schemes* • *Recruitment* • *Disciplinary or Grievance Appeal Panel* • *Redundancies or settlements* • *Staff succession planning group*

Milnbank Housing Association
Equality Impact Assessment Tool

Milnbank Housing Association
53 Ballindalloch Drive, Glasgow G31 3DQ

Name of the policy / project proposal to be assessed	Entitlements, Payments & Benefits Policy	Is this a new policy /proposal or a revision?	Revision
Person(s) responsible for the assessment	Craig Boyle, Senior Governance & Compliance Officer		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	The policy sets out what payments, benefits and entitlements Staff, MHA Board members and people connected to both can and cannot receive, in line with regulatory requirements from the SHR and OSCR. The policy prevents anyone connected with MHA from gaining an improper benefit, while also ensuring they are not unfairly disadvantaged.		
2. Who is intended to benefit from the policy/ proposal? *(e.g. applicants, tenants, staff, contractors)*	Staff, Board members and MHA as an organisation, as it reduces the risk of reputational damage.		
3. What outcomes are wanted from this policy/ proposal? *(e.g. the benefits to customers / benefit to staff)*	To ensure transparency and integrity from MHA staff and Board members.		

4. Which protected characteristics could be adversely affected by the proposal? (*tick all that apply*)

☐ Age ☐ Race ☐ Disability ☐ Marriage & civil partnership ☐ Pregnancy / Maternity

☐ Religion or belief ☐ Sex ☐ Gender reassignment ☐ Sexual Orientation

5. Which other characteristics could be adversely affected by the proposal? (*tick all that apply*)

☐ Socio-economic ☐ Geographic Location ☐ Literacy & Numeracy ☐ Carers ☐ Migrant Status

☐ Single Parents ☐ Families ☐ Other (including Human Rights), please state: Policy is inclusive of all individual needs

6. Have you consulted on the potential impacts of the policy/proposal? (this could be internally with other staff, or externally with customers, focus groups etc)

☐ Yes ☒ No

If yes, provide further details, of who was consulted:

7. Describe the likely positive or negative impact(s) the policy/proposal could have on the groups identified in part 4 & 5.	**Positive impact(s)**	**Negative impact(s)**
	N/A	N/A
8. What actions are required to address / mitigate the impacts arising from this assessment? *(This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).*	N/A – The policy treats everyone equally therefore there are no protected characteristics which are adversely affected by the policy.	
Decision / Outcome (Pending Committee Approval)	☒ Approved, no changes required (no impact) ☐ Approved after changes made ☐ Approved with no changes (despite impact) ☐ Stop the Policy . Proposal	

Signed: _____ Job title: Senior Governance & Compliance Officer

Date the Equality Impact Assessment was completed: 02/02/26