

Know the codes

Code of conduct, Notifiable Events and Whistleblowing



4th March 2021

What we will cover

- The Code of Conduct
- Entitlements, Payments and Benefits
 - Conflicts of interests, connected people, etc.
- Notifiable Events
- Whistleblowing

**What will the staff code of conduct cover?
Why is it important?**



**What types of conflicts should you declare?
Why is this important?**

Key codes and documents

Code of
Conduct

Notifiable Events

Whistleblowing

Entitlements,
payments & benefits



Why have a code?

“Rosehill attaches the greatest importance to ensuring that high standards of behaviour are demonstrated by all of our people and in all of our activities.”

“This Code of Conduct sets out the standards of conduct required of you.”

Rosehill Code of Conduct for staff

Who does it apply to?

“This Code of Conduct applies to all employees whether employed directly or otherwise e.g. agency workers. A copy of this Code will be given to every person that it applies to.”

“You are required to sign the Statement of Acceptance at the conclusion of this code on page 12 which also outlines the implications for any breach of the code.”

The Code is based on seven “Nolan” principles, which are recognised as providing a framework for good governance

Selflessness

Openness

Honesty

Objectivity

Integrity

Accountability

Leadership

The code groups these principles into three groups, sets out a principle for the group and the highlights various expectations each principle places of staff.

The groups are as follows:

- | | |
|----------------|---------------------------------------|
| Group A | Honesty and Integrity |
| Group B | Openness and Accountability |
| Group C | Selflessness, Objectivity, Leadership |

Group A - Honesty and Integrity

Principle - You must declare all relevant personal interests ... report to the appropriate senior person in Rosehill any reasonable and honest suspicions you may have about possible wrongdoing.

Staff members must:

Act in best interest of Rosehill, and **not** benefit inappropriately from their position

Comply with Gifts and Hospitalities policy

Not ask for, accept or give bribes to anyone Rosehill does business with

Report any instances of suspected bribery

Not receive preferential treatment from Rosehill or their contractors / suppliers

Not promote personal interests or the interests of any business they have an interest in

Not misuse Rosehill's resources and comply with policies on use of internet, email, social media, etc.

Comply with policies regarding procuring goods / services or claiming expenses

Not give or receive money or loans from tenants or service users

Not treat individuals, groups unjustifiably or discriminate against them

Avoid any situations that could give rise to suspicion or suggest improper conduct.

Group B - Openness and Accountability

Principle - You must not use, or seek to use, your position to gain financial or other benefit for yourself, your family or friends.

Staff members must:

declare, and manage openly and appropriately, any actual or potential interests or conflicts
declare any personal, business or financial interest relevant to Rosehill's activities and record it in our Register of Interests

observe and uphold the legal requirements and Rosehill's policies regarding the storage and handling of information

respect confidentiality and ensure that you do not disclose information to anyone, including another member of staff, who is not entitled to receive it

not make comments or statements in public or to the media, or pass any documents / information to the press or media about us or our activities

not name Rosehill or post any information which could identify Rosehill when using social media **OR** disclose any information relating to Rosehill tenants, staff, committee members, suppliers, etc.

report any actual or potential fraud, corruption or wrongdoing, or breaches of this Code they become aware of to the Director

Group C - Selflessness, Objectivity, Leadership

Principle - You must act in the best interests of Rosehill at all times ... upholding our values and setting a good example by your own conduct.

Staff members must:

take direction from their line manager, other senior managers and the governing body, and exercise responsibly any authority that comes with their role as a staff member

not use informal channels to influence committee members in relation to their own, or any other person's business. For the avoidance of any doubt, this includes attempting to discuss their salary or your grade or those of any other member of staff

obtain prior permission to carry out any occupation or activity that might affect the proper performance of their duties for Rosehill

participate in any necessary training, and play an active part in any performance appraisal process

maintain professional standards fairness and courtesy in all dealings with tenants and others

not allow any personal relationship with a tenant or other service user to conflict with the conduct of their role and responsibilities

not make derogatory comments about Rosehill, its staff, governing body members, etc. publicly

treat others with respect at all times and conduct themselves in an open, courteous and professional manner

Which parts of the code do you think are most important? Why?



Dealing with breaches to the code

“If you consider that you may have breached the Code, or have witnessed ...a potential breach by another staff member, you should immediately bring the matter to the attention of the Director. In the case of the Director a report should be made to our solicitors.

Any material breach of the Code will be considered under our disciplinary procedures and may, after a proper investigation, result in a disciplinary action being taken, which may include dismissal.

As a member of staff you have a duty to co-operate with and contribute to any investigation relating to a potential breach of the Code or an associated matter.”

Declaring and Managing Personal Interests

“Any potential conflict between your position as a member of our staff and your other interests must be openly declared and effectively managed so as to protect our good reputation and the RSL sector.”

“... where you have a personal business or financial interest in any matter that is relevant to our activities or is being considered (or is likely to be considered) or you know that someone to whom you are closely connected has such an interest, you must declare it promptly and record it in the Register of Interests.”

Rosehill Code of Conduct for staff

What interests do you think you should declare?



Who do you think you should consider as someone “closely connected”



Examples of interests

- Tenancy of a Rosehill property
- Occupancy or ownership of a property (by you or someone to whom you are closely connected) which is factored or receives services from Rosehill
- Membership of the governing body of another RSL
- Being an elected member of Council
- If you purchase goods or services from Rosehill or from one of our contractors
- Significant shareholding in a company that we do business with.
- Membership of a political, campaigning or other body whose interests and / or activities may affect our work or activities

Connected people

Group 1 Members of your household	Group 2 People closely associated with you	Group 3 Others you need to consider
<p>Anyone who normally lives as part of your household, whether they are related to you or not, including spouses / partners who work away from home and sons and daughters who are studying away from home</p>	<ul style="list-style-type: none"> • Parents, parents-in-law and their partners • Sons and daughters; stepsons and step-daughters and their partners • Brothers and sisters and their partners • A partner’s parent, child, brother or sister • Grandparents, grandchildren and their partners • Someone who is dependent on you or whom you are dependent on • Close friends 	<p>Other relatives (e.g. uncles, aunts, nieces, nephews and their partners)</p> <p>Other friends (e.g. someone you are acquainted with socially, neighbours, business contacts/associates)</p>

Connected people

what is expected of members

“If you are aware of any action or involvement relating to **anyone** in the table then you should declare and manage this as soon as possible ... we do expect you to be familiar with the actions of members of your household (Group 1) and of any other people listed in the table above with whom you are closely associated and /or in regular contact ...

You are not expected to be aware of the actions of people in groups 2 and 3 that you do not have a close association and/or regular contact with. We do not expect you to research into the employment, business interests and other activities of all persons with whom you are closely connected.”

Rosehill Code of Conduct for staff



Declaring personal interests

“All new members of staff are required, on appointment, to complete a form to register any personal interests ... Thereafter all staff will complete a new form (or amend the existing form) whenever there is a material change ... you must keep your entry in the Register of Interests up to date, add any new interests as soon as they arise, and amend existing interests as soon as any change takes effect.”

Rosehill Code of Conduct for staff

Declaring personal interests

“A situation may arise where you are invited to be present at a meeting where a matter in which you have a personal interest is discussed.

In such cases you must inform the meeting chair at the start of the meeting, or as soon as you become aware that this is the case. You would then be required to leave the meeting for the duration of the particular item ... This applies to all meetings that you attend as a member of our staff – both internal and external.”

Rosehill Code of Conduct for staff

To declare or not to declare

“Any failure to make a complete, accurate and prompt declaration - whether deliberately or through taking insufficient care - will be regarded as a breach of this Code.”

“If you are not sure whether a certain matter needs to be declared, you must seek guidance from the Director. If doubt remains, the advice would always be to declare the matter.”



If in doubt, check it out!



Entitlements, Payments and benefits



Entitlements, Payments and Benefits

“This policy describes the entitlements, payments or benefits that our people are able to receive. It also describes what is not permit”

“is intended to be a practical document ... ensuring that **none of our people benefits improperly** or inappropriately from their involvement with us, **but also that they are not unfairly disadvantaged.**”

Rosehill Entitlements, payments and benefits policy

Why is this important?

“SHR requires us to have 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.”

Rosehill Entitlements, payments and benefits policy

Who does the policy cover?

- a) Members of committees any subsidiaries; and
- b) Everyone who works for an RSL or any of their subsidiaries
- c) Connected people (friends and family of the above)



What is permitted?

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

Appendix A lists the entitlements, payments and benefits that fall under this policy, and states:

- Which could be permitted by the organisation
- Which will never be permitted by the organisation
- Which you require to declare in the register of interests
- Any other further requirements the organisation has before permitting



**What types of payments and benefits do you think are permitted?
What would not be permitted?**

*We will now discuss various payments and benefits,
and decide if they would be permitted and should an interest be declared?*



Human resources / recruitment	Is this permitted?	Would you need to declare an interest or take another action?
Payment / entitlements arising from a contract of employment		
Payment of a Governing Body member (GBM) for their role as a Governing body member		
Payments of expenses		
Provision of a loan by the organisation to one of our people		
The offer of employment to a GBM (or has been one in last 12 months) or a relation of a GBM		
The offer of employment to someone closely connected to a member of staff		
Appointment of one of our staff members to our GBM		

Our people as tenants or service users	Is this permitted?	Would you need to declare an interest or take another action?
The offer of a tenancy to one of our people or someone closely connected to them		
Receiving a payment of a decoration allowance		
<u>Training and events</u>		
Attendance at training events, seminars, conferences, etc		
The association paying for accommodation to attend a seminar or conference		
Attendance at an event to mark awards, achievements or other significant milestones		

Procuring goods / services	Is this permitted?	Would you need to declare an interest or take another action?
Entering into a contract with an organisation where one of our people, or someone connected to them, has significant control		
The purchase of goods / services from one of our suppliers / contractors by one of our people		

Registering and declaring interests

“You must record in this register any interests that you or someone connected to you has ...”

“Where you have an interest in any matter that is being discussed or considered at a meeting, you must declare your interest and play no part in the discussion; you must withdraw from any part of a meeting where the interest arises.”

Rosehill Entitlements, payments and benefits policy

Use of our contractors and suppliers

“In order to help 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 our people which outlines the contractors and suppliers that fall under the terms of this policy”

“we recognise that there may be certain circumstances ... in your local area make it difficult to obtain a reasonable selection of potential suppliers”

Rosehill Entitlements, payments and benefits policy

One last thing about contractors / suppliers

The list of contractors / suppliers does not include:

- Those who only provide services of a small value (e.g. local window cleaners, sandwich shops) or
- Those with such a large national or local standing that no favour could ever realistically be gained (e.g. utility companies, BT, banks, etc.)

Why is it important to declare conflicts of interest?

Why is important to manage payments and benefits?

Why is important to manage gifts and hospitalities?



Key codes and documents

Code of
Conduct

Notifiable Events

Whistleblowing


Entitlements,
payments & benefits



Notifiable events and Whistleblowing

Notifiable Events - Statutory Guidance -
February 2019



 Notifiable Events - Statutory Guidance - February 2019



Regulatory Standards ...

“The RSL is open, co-operative, and engages effectively with all its regulators and funders, notifying them of anything that may affect its ability to fulfil its obligations. **It informs the Scottish Housing Regulator about any significant events** such as a major issue, event or change as set out and required in our notifiable events guidance.”

Regulatory Standard 2.4

“There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.”

Regulatory Standard 5.6



- What are notifiable events?
- Who should notify the regulator and what about?
- What are the different types of notifiable events?
- When should you notify the regulator and what should you tell them?
- How do you report a notifiable event?
- What might the regulator do?
- What about whistleblowing?

**What type of events do you think
should be reported?**

Who should notify the SHR?

When should you notify?



**Scottish Housing
Regulator**



What are notifiable events?

“An RSL must tell us about any material, significant or exceptional issue, event, or change within its organisation and how it intends to deal with it.”

“As a general guideline, notifiable events are those that may:

- seriously affect the interests and safety of tenants, people who are homeless or other service users
- threaten the stability, efficient running or viability of service delivery arrangements
- put at risk the good governance and financial health of the organisation
- bring the RSL into disrepute or raise public or stakeholder concern about the RSL or the social rented sector.”

Notifiable events – Guidance Note, The Scottish Housing Regulator, February 2019

Who should notify the SHR?

- The **senior member of staff** for issues relating to **performance, service delivery or financial issues**
- The **chair** for **governance or organisational issues**
- The notification should be as soon as possible - **do not** wait until after a committee meeting if you judge an event serious enough to be notifiable

Notifiable Events - Appendices

- Appendix 1 - Examples of Notifiable Events
- Appendix 2 - Notification of tenant consultation, disposals, constitutional and organisational change
- Appendix 3 – Handling a serious complaint against the Director / Chief Executive of an RSL

Governance / organisational issues

- Any material change to the assurances and supplementary information contained in the RSL's Annual Assurance Statement
- The membership calls a special general meeting
- Removal of governing body members
- Resignation of governing body members for non-personal reasons
- Resignation or dismissal of the RSL's chief officer
- Breaches of the Code of Governance
- Whistleblowing allegations
- See appendix 1 of guidance for further examples

Performance and service issues

- Any incident involving the health and safety executive or a serious threat to tenant safety
- Major failure of key service delivery arrangements
- Adverse reports by statutory agencies, regulators, inspectorates
- Significant natural disasters, e.g. fire, flood, building collapse, etc.
- Breaches of ballot commitment to tenants or of any stock transfer contractual agreement
- See appendix 1 of guidance for further examples

Financial and funding issues

- Fraud or the investigation of fraud
- Breach or potential breach (including, for the avoidance of doubt, technical breaches) of any banking covenants
- Serious financial loss; actual or potential
- Default or financial difficulties of major suppliers or service providers
- Serious concerns raised by lenders or auditors
- Serious and immediate potential cashflow issues
- See appendix 1 of guidance for further examples

Guidance Appendices

Appendix one – Examples of Notifiable Events

Appendix two – Notification of tenant consultation, disposals, constitutional and organisational change

Appendix three – Handling a serious complaint against the Director/Chief Executive of an RSL

Latest News

Melville Housing Association chief executive Andrew Noble announces retirement



Andrew Noble is to retire from his position as chief executive of Melville Housing Association, following a quarter of a century's stellar service to the social housing sector.



**Scottish Housing
Regulator**

**When would you report this?
What would you need to
tell the regulator?**



When should you notify?

“RSLs should alert us to a notifiable event as soon as is reasonably practical. Sometimes this will mean alerting us before an event happens so that we are aware in advance. There should be no delay, for instance, until after a scheduled governing body meeting ...

You should not wait until an event is completely concluded before you alert us to it.”

Notifiable events – Guidance Note, The Scottish Housing Regulator, February 2019

What is a serious event?

“Whether an event is ‘material’ or ‘significant’ may depend on factors such as the size or complexity of the RSL; so each RSL should consider the risk and potential impact on the organisation when deciding whether an issue is a notifiable event. If you are unsure whether an event is a notifiable event, please contact us and we will be happy to discuss this with you and give further advice. If in doubt, we recommend that you notify us.”

Notifiable events – Guidance Note, The Scottish Housing Regulator, February 2019

If in doubt notify!

What info. do the SHR need?

- What the significant event is
- When it happened or is going to happen
- Who is involved and/or affected **and**
- What the RSL is planning to do or what action it has already taken

What may the SHR do?

If they are satisfied with the course of action the association is taking – that will be sufficient, however:

- They may inform, or ask the RSL to inform, another regulator or authority if appropriate
- They may ask the RSL to get specialist advice, e.g. legal, financial, and offer advice
- They may reconsider their level of engagement with the RSLs engagement and thus alter the engagement plan

Failure to notify

“If you fail to notify us, or delay notifying us, about a significant event affecting your RSL, and it comes to our attention by other means, we will ask you why you failed to notify us. Following this, if we have concerns about the event or the explanation, we will consider if we need to take any regulatory action”

Previous Guidance Note - The Scottish Housing Regulator

Ensuring senior staff and board members are aware of Notifiable events

“No matter how an RSL chooses to reflect notifiable events within its policies and procedures, senior staff and governing body members should understand the notifiable events process, and assure themselves, and us (SHR), that they are complying through their Annual Assurance Statement.”

“If an RSL staff member, or governing body member is aware of a notifiable event which has not been submitted to us, they should report it within the organisation through the RSL’s whistleblowing policy. If that is not possible, or the attempt to report internally has been unsuccessful, they can whistleblow to us.”

Notifiable events – Guidance Note

Whistleblowing



**Scottish Housing
Regulator**

What is the policy for?

“...to enable our staff to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety.

A number of policies are already in place, including dignity at work, and disciplinary and grievance procedures. This policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately, but may lead to the instigation of other procedures.

[Rosehill Whistleblowing policy](#)

What type of concerns should be raised?

“These concerns might include:

- Financial malpractice, impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to health and safety or the environment
- Criminal activity involving us, our staff, committee member(s) or stakeholders
- Professional malpractice
- Improper conduct or unethical behaviour
- Abuse of power or status
- Deliberate attempts to conceal any of the above

Protection for whistleblowers?

“As employees are often the first to realise that there may be something seriously wrong, we (Rosehill Co-op) expects those who have serious concerns about any aspect of our work to come forward and speak up without fear of reprisal. Therefore, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee member or stakeholder of ours feel at a disadvantage in raising legitimate concerns.”

“The Public Interest Disclosure Act, 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns”

“Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. We will take all reasonable steps to protect our staff from being victimised”

Regulatory Guidance

The regulator has also published a fact sheet on Whistleblowing which allow staff or senior staff to report any serious concerns which they might have either internally or to the SHR. These can include:

“conduct that affects

- others: for example, fraud or
- a failure to comply with health and safety requirements.” **and / or**

“because they have a strong sense that something they have seen or heard in their workplace is not right, ethical, or compliant with workplace regulations and rules.”

Whistleblowing - guidance

- In all, but the most serious cases the SHR would expect concerns to be raised internally before they are involved.
- They can also protected the identity of whistleblowers.
- Once someone has “whistleblown” we (SHR) will talk to them to find out if they reported the issue internally and where possible to ask for evidence
- The SHR may take no further action if they are satisfied with action taken by the RSL or they consider the matter to be vexatious

Whistleblowing possible actions

“we (SHR) might ask the governing body to investigate the matter (normally by the governing body engaging someone independent and so fully objective);

- we might ask the governing body to get independent advice or support to help them to deal with the situation;
- we might carry out an investigation (planned or unannounced);
- we might refer the matter to another regulator ... **or**
- we might report the matter to the police because we think that a criminal offence may have been committed.”

“Where we consider regulatory engagement with an RSL is necessary then we will publish a regulation plan which will explain the reasons for, and nature of, our engagement.

What we will cover

- The Code of Conduct
- Entitlements, Payments and Benefits
 - Conflicts of interests, connected people, etc.
- Notifiable Events
- Whistleblowing