



RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION

NOTIFIABLE EVENTS POLICY

ALL OF THE ASSOCIATION'S POLICIES AND PUBLICATIONS CAN BE MADE AVAILABLE IN LARGER PRINT, AUDIO FORM, BRAILLE OR OTHER LANGUAGES AS REQUIRED AND APPROPRIATE. For further details please contact the office on 0141 647 4917 or by email at info@randcha.co.uk

Purpose	To provide staff and Committee members of Rutherglen and Cambuslang Housing Association with clear guidance on the requirements for notifying the Scottish Housing Regulator of events that fall within the definition of notifiable as laid out in the regulatory guidance.
Regulatory Guidance	Scottish Housing Regulator's statutory guidance on Notifiable Events updated June 2019

Reviewed	March 2022
-----------------	-------------------

SECTION	CONTENTS	PAGE
1	Introduction	3
2	Policy Objectives	3
3	Definitions	3
4	Submitting a Notifiable Event	7
5	Regulator's Response	9
6	Internal Policies & Procedures	10
7	Links to Other Guidance	10
8	Training	11
9	Data Protection	11
10	Equality & Human Rights	11
11	Policy Review	11

1.0 INTRODUCTION

The Association recognises the role of the Scottish Housing Regulator in protecting the rights the Association's tenants and other service users and ensuring the Association conducts its affairs openly and honestly. These responsibilities of the Regulator are in order to protect the reputation and integrity of both Rutherglen and Cambuslang Housing Association and the sector in general.

In order to meet these obligations, the Association is required to notify the Regulator of certain events that may pose a significant threat to the Association, its service users, its financial health and/or its reputation. There are also a number of exceptional circumstances and constitutional issues that the Association is required to inform the Regulator about.

The Notifiable Events Policy reflects the terms of the guidance published by the Scottish Housing Regulator in 2019.

<https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/tenant-consultation-and-approval>

2.0 POLICY OBJECTIVES

The Notifiable Events Policy is intended to;

- Support the staff and Committee to identify what events need to be submitted as a Notifiable Event
- Outline the timescales and processes for submitting notifications
- Ensure compliance with the Regulatory Framework and obligations under the Housing (Scotland) Act 2010
- Explain what the Regulator will do with the information given as part of a Notifiable Events submission
- Reflect the Association's commitment to Equality and Human Rights

3.0 DEFINITION

3.1 Notifiable Event

In general terms, the guidance defines notifiable events as those that may;

- Seriously affect the interest 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 Association
- Bring the Association into disrepute or raise public or stakeholder concern about the Association or the social housing sector

The guidance identifies the categories of issues that constitute a Notifiable Event as;

- Governance and organisational issues
- Performance and service delivery issues
- Financial and funding issues
- Disposal of land and assets
- Outcome of certain tenant consultations
- Constitutional & organisational changes
- Incidents of Whistleblowing
- Health & Safety
- Additional events that association's classed as 'systematically important' are required to notify the Regulator about

The guidance provides examples of the types of events the Association should immediately contact the Regulator about:

- **Governance and organisational issues**
 - Any material change to the assurances and supplementary information contained in the RSL's Annual Assurance Statement
 - Resignation of governing body members for non-personal reasons
 - The membership of the governing body falls, or is going to fall, to seven or below
 - The membership calls a special general meeting
 - Resignation or dismissal of the RSL senior officer;
 - Serious complaints, allegations, investigations, or disciplinary action relating to a governing body member or the senior officer
 - The senior officer is absent or partially absent for an extended period of time
 - Receipt of intimation that a claim has been submitted to an employment tribunal
 - Severance payment to and/or settlement agreement with a staff member
 - Breach of the Regulatory Standards
 - A breach of the RSL's Code of Conduct by governing body members
 - Major change or restructuring within the current RSL or Group
 - Potentially serious breaches of statutory or common law duties by the RSL, including equalities and human rights duties, whether or not these have resulted in the submission of a claim or a legal challenge
 - Any legal proceedings taken against the RSL that may have significant consequences for the RSL in the event of success
 - Serious failure of governance within an RSL's subsidiary
 - Serious issues regarding a parent, subsidiary or connected organisation
 - Plans to set up a non-registered subsidiary
 - Serious dispute with another member of an alliance, consortium or nonconstitutional partnership that may have significant consequences for the RSL
 - Breaches of charitable obligations or no longer meeting the charity test
 - Whistleblowing allegations

- **Performance and service delivery issues**
 - Any incident involving the Health & Safety Executive or a serious threat to tenant safety or where a regulatory or statutory authority, for example the fire brigade, or insurance provider has notified its concerns
 - Serious accidental injury or death of a tenant in their home or in communal areas;
 - where there has been a service failure by the RSL;
 - where there has been a failure, or perceived failure, in how the RSL has assessed and managed risk; or
 - which could potentially affect other tenants' confidence in the RSL or the RSL's reputation
 - Major failure of key service delivery arrangements (for example, repairs cannot be carried out because a contractor goes into liquidation)
 - Breaches of ballot commitments to tenants or stock-transfer contractual agreements
 - Adverse reports by statutory agencies, regulators, inspectorates, etc., about the RSL (for example a Care Inspectorate report with a "weak" or "unsatisfactory" grade or an upheld Care Inspectorate complaint)
 - Any significant natural disaster e.g. fire, flood, building collapse, etc., that affects the RSL's normal business
 - Serious or significant adverse media reports or social media interaction, which could potentially affect tenants' confidence in the RSL or that is damaging to the reputation of the RSL

- **Financial and funding issues**
 - Fraud or the investigation of fraud either internally, by the Police or by an external agency or organisation
 - Breach or potential breach) of any banking covenants
 - Serious financial loss; actual or potential
 - Default or financial difficulties of major suppliers or service providers
 - Any material reduction in stock or asset values; actual or potential
 - Serious concerns raised by lenders or auditors
 - Serious and imminent potential cash flow issues
 - Proposed assignation or transfer of the existing lender's security to another lender
 - Notification of the outcome of an adverse financial assessment of the RSL or its parent / subsidiaries / related companies / connected bodies from Pensions Trustees
 - A serious or material reduction in the funding for care and support services, for example, for RSLs with significant care elements in their business where there is a withdrawal of funding from the local authority.
 - Change of internal or external auditor

- **Disposals – by way of;**
 - Sale of tenanted social housing dwellings
 - Granting security over social and non-social housing dwellings land or other assets
 - Sale or excambion of untenanted and non-social housing dwellings, land or other assets over £120,000
 - Lease of social housing dwellings
 - Lease of roof space of residential, tenants’ properties for renewable energy sources (e.g. solar panels or telecommunications including aerials)
 - Lease of residential property to an RSL, group subsidiary or any other body for market or mid-market rent or other non-social housing purpose (except leased to local authority for temporary accommodation for people who are homeless)
 - Any other disposal which could have significant implications for tenants or other service users

- **Constitutional & Organisational Changes**
 - Change of name, office or constitution
 - Restructuring of society or company
 - Voluntary winding up or dissolution of a society
 - Converting a company into a registered society
 - Entering into a company voluntary arrangement
 - Voluntary winding up of a company
 - Becoming a subsidiary of another body

- **Steps Towards Insolvency**
 - Where a notice of a proposal of a resolution for the winding up of the Association is given to its members
 - A petition for the winding up of the Association is presented
 - Where the Association applies for an administrative order
 - Where an administrator is appointed

- **Additional events that association’s classed as ‘systematically important’ are required to notify the Regulator about**
 - Any change in senior staff
 - Any material change in the business plan or strategic direction of the organisation
 - Any problems in relationships with key stakeholders for example local authorities or funder

N.B. These lists are intended to be illustrative rather than exhaustive and further information is available in the guidance notes at <https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/notifiable-events>

Where there is any doubt as to whether an event should be reported as a Notifiable Event, guidance, advice and support will be sought from the Scottish Housing Regulator.

3.2 Material/Significant/Exceptional Events

Whether or not an event is 'material', 'significant' or 'exceptional' will depend on the nature of the event and factors such as;

- Size or complexity of the Association
- Risk and potential impact on the organisation

4.0 SUBMITTING A NOTIFIABLE EVENT

4.1 Responsibilities

4.1.1 The Director

As the Senior Officer, it is the Director's responsibility for;

- Advising the Scottish Housing Regulator of a potential Notifiable Event relating to performance and service delivery or financial and funding issues
- Seeking appropriate advice
- Ensuring the Management Committee is kept fully apprised of the event and circumstances
- Submitting the Notifiable Event via the Landlord's portal
- Notifying other organisations where required (e.g.lenders)

4.1.2 The Chair

In the Director's absence it will be the Chair's responsible for advising the Regulator of a potential Notifiable Event when;

- The Director is absent
- Advising the Regulator of notifiable events concerning governance or organisational issues
- Notifying the Regulator of any material changes to the Annual Assurance Statement
- There are concerns about the Director or the Management Committee

4.1.3 Management Team

Members of the Management Team are authorised to notify the Regulator of disposals and changes as detailed in the Appendix 2 of the Scottish Housing Regulator's guidance at <https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/notifiable-events>

4.1.4 The Management Committee

The Management Committee has overall responsibility for ensuring the effective management of the Association and therefore must be advised of all notifiable events.

4.2 Process

All Notifiable Events must be submitted via the Landlord's portal on the Scottish Housing Regulator's website using the template provided.

4.3 Information Required

A Notifiable Event submission must include information on;

- What the significant event, disposal or change is
- When it happened or is likely to happen
- Who is involved and/or affected
- Any equalities or human rights implications
- How the Association is ensuring it meets its legal duties in relation to equalities and human rights if applicable
- What the Association is planning to do or what action it has already taken to address the issue
- When the Management Committee was informed/will be informed of the event/issue

When the notification relates to tenant consultation, the Association will refer to the Scottish Housing Regulator's guidance on Tenant Consultation and Approval <https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/tenant-consultation-and-approval>

Notifications relating to disposals and constitutional or organisational changes should also include:

- Details of the change
- Confirmation that the Association has complied with Regulatory Standard 7

4.4 Timescales

A Notifiable Event should be submitted as soon as reasonably practical, even if the anticipated event has not yet occurred, or the event is not fully concluded.

Where a major incident has occurred, the Regulator must be alerted as soon as possible.

Where the Association is considering a disposal or an organisational change that requires tenant consultation, the Association will notify the Regulator at the start of the deliberations. Further information on timescales for notification of disposals and constitutional changes is given in the Regulaotr's guidance on Notifiable Events <https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/tenant-consultation-and-approval>

It is important that Association advises the Regulator as soon as possible when it discovers it is not meeting the Standards of Governance and Financial Management and Requirements.

Where the Association has advised that it is meeting the Standards of Governance and Financial Management and Requirements as part of its Annual Assurance Statement but subsequently discovers that it is not doing so, it shall inform the Regulator immediately.

Any failure or delays in notifying the Regulator about a material or significant issue or event will be viewed by the Regulator as a serious matter.

5.0 THE REGULATOR'S RESPONSE

5.1 Considerations

In determining what, if any, action is required in relation to a Notifiable Event, the Regulator will consider;

- The seriousness of the event and the risks presented to:
 - The SHR's purpose of protecting the interests of tenants, homeless people and other service users,
 - The financial health of the Association, public investment in the Association or the confidence of lenders, o The good governance and reputation of the RSL and the sector.
- If the Association has given sufficient assurance that its proposals to manage the event are credible and robust?
- If the event raise concerns about the RSLs compliance with regulatory requirements?

More information on how the Regulator will manage and respond to Notifiable Events is available in its Procedural Note

<https://www.housingregulator.gov.scot/media/1335/notifiable-events-ipn-web.pdf>

5.2 Potential Response

The Regulator may;

- Inform, or ask the Association to inform, another regulator or authority if appropriate
- Ask the Association to get professional or impartial advice (e.g. legal, financial)
- Advise the Association to report the matter to the Police
- Report matters to the Police directly if it suspects that an offence may have been committed

Any taken by the Regulator in relation to a Notifiable Event should be appropriate and proportionate.

5.3 Confidentiality

The confidentiality of information provided will be respected by to the Regulator provided it does not;

- Compromise the Regulator's ability to safeguard the interests of the Association's tenants or those of the social housing sector
- Breach the Regulator's legal obligations (e.g. GDPR)
- Indicate that an offence may have been committed

5.4 Timescale

The Regulator aims to respond to a Notifiable Event within 8 working days from the date of submission.

6.0 INTERNAL POLICIES & PROCEDURES

The Association's own policies and procedures will, where appropriate, reflect the requirement to alert the Scottish Housing Regulator to Notifiable Events in accordance with the guidance.

In particular, staff or Committee Members should use the Association's Whistleblowing Policy where they become aware that Notifiable Event has not been reported to Regulator.

7.0 LINKS TO OTHER GUIDANCE

7.1 Tenant Consultation & Approval

The Scottish Housing Regulator has published guidance on tenant consultation and approval for proposals to sell or transfer tenanted homes, which require the Association to consult tenants under the 2010 Housing (Scotland) Act <https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/tenant-consultation-and-approval>

7.2 Whistleblowing

Separate advisory guidance and a fact sheet on how to deal with Whistleblowing has been produced by the Scottish Housing Regulator. <https://www.housingregulator.gov.scot/media/1779/whistleblowing-about-a-regulated-body-information-for-whistleblowers-2022.pdf>

7.3 Section 72

Section 72 of the Housing (Scotland) Act 2010 places a duty on external auditors and reporting accountants to disclose events of material significance to the Regulator.

Guidance on Section 72 has been produced by the Scottish Housing Regulator and confirms that where the Association is aware that an auditor has reported an issue to the Regulator under section 72, the Association does not need to report the issues as a Notifiable Event.

<https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/section-72-reporting-events-of-material-significance>

7.4 Group Structures & Constitutional Partnerships

The Regulator has produced separate statutory guidance on Group Structures and Constitutional Partnerships that the Association will refer to in the event it is considering a change to its group structure.

<https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/group-structures-and-constitutional-partnerships>

7.5 Annual Assurance Statement

Statutory guidance for the completion of the Annual Assurance Statement is available which includes guidance on how to report and material or significant non-compliance with the Standards of Governance & Financial Management and Regulatory Requirements.

<https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/annual-assurance-statement>

7.6 Handling a Serious Complaint against the Director

Appendix 3 of the Scottish Housing Regulator's guidance on Notifiable Events outlines the steps to be taken in the event the Management Committee is required to deal with a serious complaint or grievance against the Association's Director.

<https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/notifiable-events#section-11>

8.0 TRAINING

The Management Team and Committee will receive training to ensure they fully understand the requirements with regard Notifiable events and to give the required level of assurance that the Association is complying.

9.0 DATA PROTECTION

The Association handles the personal data we use in line with our obligations under data protection and GDPR legislation as well as the Association's Policies.

Information on how it handles personal data and the legal basis for processing such data is available in the Association's Fair Processing Notice.

10.0 EQUALITY & HUMAN RIGHTS

The Notifiable Events Policy reflects the Association's commitment to meeting its Equality obligations to advance equality, promoting good relations between protected characteristics and eliminating discrimination in the way it provides its services.

11.0 POLICY REVIEW

This policy will be reviewed by the Management Committee at least every 3 years. However, aspects of the policy may be reviewed within this period as required to

ensure compliance with changes in legislation, regulatory standards or good practice.