



Policy on notifiable events

Date Approved by Management Committee:
Due for Review:

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August 2024

Policy on notifiable events



1. Introduction

- 1.1 As part of the new regulatory framework issued in February 2019 and updated in June 2019, the Scottish Housing Regulator (SHR) has revised its guidance RSLs' responsibilities and requirements in relation to notifiable events.
- 1.2 This policy outlines the Association's approach, taking account of the revised guidance (which is attached at Appendix 1 for ease of reference). It also takes account of Standard #2.5 of the Regulatory Standards of Governance and Financial Management, which was published by the Scottish Housing Regulator (SHR) in March 2019.

2. Some general principles

- 2.1 The Committee has responsibility for overseeing notifiable events and, therefore, all notifiable events will be reported to the Committee and, depending on the nature of the event and the Committee meeting cycle, the Chair will normally be advised by the Director (or other senior officer in their absence) at an early stage. Some notifiable events require to be notified by the Chair, and these are noted in more detail in Appendix 1.
- 2.2 It is important to note that the SHR relies on RSLs advising them of notifiable events so that they can meet their responsibilities in relation to risk-based regulation, as noted in section 2.7 of the regulatory framework. Cernach will remain aware of this at all times and will seek to report notifiable events as soon as it appears they are going to arise. Where there is uncertainty, the approach will be to err on the side of caution and ask the SHR for a view on whether a specific event is notifiable.

3. Examples of notifiable events

- 3.1 It is not possible to provide a full list of all possible notifiable events, but the following have been noted as examples of the type of event that the SHR considers notifiable:

3.1.1 Governance and organisational issues

Examples include:

- a) Any material change to the assurances and supplementary information contained in the Annual Assurance Statement
- b) The membership calls a special general meeting

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- c) Removal of any Committee member by the Association
- d) Resignation of Committee members for non-personal reasons
- e) The membership of the Committee falls, or is going to fall, to seven or below
- f) Serious complaint, allegation, investigation, or disciplinary action about a Committee member
- g) A breach of the Committee code of conduct
- h) Resignation or dismissal of the Director
- i) Severance payment to and/or settlement agreement with a staff member
- j) Serious complaint, allegation, investigation, or disciplinary action about the Director (see Appendix 3 of the SHR's guidance)
- k) The Director is absent (or partially absent) for an extended period of time
- l) Receipt of intimation that a claim has been submitted to an employment tribunal
- m) Major change or restructuring within the current organisation
- n) Plans to set up a non-registered subsidiary
- o) Potentially serious breaches of statutory or common law duties by the Association, including equalities and human rights duties, whether or not these have resulted in the submission of a claim or a legal challenge
- p) Any legal proceedings taken against the Association which may have significant consequences for the Association in the event of success
- q) A dispute with another member of an alliance, consortium or non-constitutional partnership which may have significant consequences for the Association
- r) Breaches of charitable obligations or no longer meeting the charity test
- s) Whistleblowing allegations

3.1.2 Performance and service delivery issues

Examples include:

- a) Any incident involving the Health & Safety Executive or a serious threat to tenant safety; or where a regulatory or statutory authority, or insurance provider, has advised the Association of concerns for example the Fire Service, etc
- b) Serious accidental injury to, or the death of a tenant in their home or communal areas
 - where there has been a service failure by the Association; or
 - where there has been a failure, or perceived failure, in how the Association has assessed and managed risk; or
 - which could potentially affect other tenants' confidence in the Association or its reputation

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- c) Major failure of key service delivery arrangements (for example, repairs cannot be carried out because a contractor goes into liquidation)
- d) Breaches of ballot commitment to tenants or of any stock transfer contractual agreement
- e) Adverse reports by statutory agencies, regulators, inspectorates (or similar) about the Association (for example a Care Inspectorate report with a 'weak' or 'unsatisfactory' grade or an upheld Care Inspectorate complaint)
- f) Any significant natural disaster for example, fire, flood or building collapse which affects the Association's normal business
- g) Serious or significant adverse media reports or social media interaction, which could potentially affect tenants' confidence in the Association or that is damaging to its reputation

3.1.3 Financial and funding issues

Examples include:

- a) Fraud or the investigation of fraud either internally, by the Police or by an external agency or organisation
- b) Breach or potential breach of any banking covenants
- c) Serious financial loss; actual or potential
- d) Default or financial difficulties of major suppliers or service providers
- e) Any material reduction in stock or asset values; actual or potential
- f) Serious concern raised by lenders or auditors
- g) Serious and imminent potential cash flow issue
- h) Proposed assignation or transfer of the existing lender's security to another lender
- i) Notification of the outcome of an adverse financial assessment of the Association or its parent/subsidiaries/related companies/connected bodies from Pensions Trustees
- j) 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 a local authority withdraws funding
- k) Change of internal or external auditor

4. Recording notifiable events

- 4.1 Notifiable events are reported to the SHR via the online landlord portal; this also acts as a method of recording the progress and closing of notifiable events.

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- 4.2 However, it may also be the case that some correspondence in relation to notifiable events will not be logged in the portal. We will also maintain an electronic record of all notifiable events from August 2019; details of previous notifiable events will be scanned/copied in so that all documentation is available in one place.

5. Policy review

- 5.1 The policy on notifiable events will be reviewed every five years, or sooner in line with legal, regulatory or best practice requirements. The latest review date will be August 2024.

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