



Craigdale
HOUSING ASSOCIATION

Notifiable Events Policy

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Craigdale Housing Association can provide this document on request, in different languages and formats, including Braille and audio formats.

Introduction

Craigdale Housing Association acknowledges the regulatory role performed by the Scottish Housing Regulator (SHR); and in this context its interest in preserving:

- the interests or safety of tenants and other service users;
- the financial health of RSLs (Registered Social Landlord), public investment or the confidence of lenders; and
- the good governance and reputation of individual RSLs and the RSL sector.

We understand and recognise the associated regulatory expectation that the SHR should be informed as soon as reasonably possible about certain exceptional events, which potentially put fulfilment of these principles at risk.

Definition

The SHR Guidance Note on Notifiable Events (2019), defines notifiable events as anything which:

- seriously affects the interests and safety of tenants, people who are homeless or other service users
- threatens the stability, efficient running or viability of service delivery arrangements
- puts at risk the good governance and financial health of the organisation
- brings the RSL into disrepute or raises public or stakeholder concern about the RSL or the social housing sector.

To this end, it confirms that SHR expects an RSL to report any material, significant or exceptional issue, event, or change within its organisation and outline how it intends to deal with it, or where appropriate provide the SHR with a reasonably detailed explanation as to why a significant change has been implemented.

The SHR Guidance Note sets out the types of notifiable event that are likely to be deemed 'notifiable,' categorising these into Governance and Organisational Issues; Performance and Service Delivery Issues; and Financial and Funding Issues. It also clarifies the type of information SHR will require, and the way this should be reported.

The types of Notifiable Event contained within the Guidance Note are listed below as follows (please note this list is illustrative and is not exhaustive):

Governance and 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 any governing body member by the RSL
- 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

- Serious complaint, allegation, investigation, or disciplinary action about a governing body member
- A breach of the RSL's code of conduct by governing body members
- Resignation or dismissal of the RSL's senior officer
- Severance payment to and/or settlement agreement with a staff member
- Serious complaint, allegation, investigation, or disciplinary action about the senior officer (see Appendix 3)
- 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
- Major change or restructuring within the current RSL or group
- Plans to set up a non-registered subsidiary
- 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 which may have significant consequences for the RSL in the event of success
- Serious failure of governance within an RSL's subsidiary
- Serious issue regarding a parent, subsidiary or connected organisation
- A dispute with another member of an alliance, consortium or non-constitutional partnership which 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 has notified its concerns for example the Fire Brigade etc.
- Serious accidental injury or death of a tenant: where there has been a service failure by the RSL; or which could potentially affect other tenants' confidence in the landlord and the landlord'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 (or similar) about the RSL (for example a Care Inspectorate report with a 'weak' or 'unsatisfactory' grade or an upheld Care Inspectorate complaint)
- A significant natural disaster for example, fire, flood, building collapse, etc., that is of a scale to affect the RSL's normal business
- Serious or significant adverse media reports or social media interaction, which could potentially affect tenants' confidence in the landlord.

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 concern raised by lenders or auditors
- Serious and imminent potential cash flow issue
- 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 a local authority withdraws funding
- Change of internal or external auditor

Additional issues that systemically important RSLs have to provide notification of

- Any change in senior staff
- Any material variation in the business plan or strategic direction of the organisation
- Any problems in relationships with key stakeholders for example local authorities or funders

Compliance & Legal Requirements

This Policy fully complies with the SHR's Regulatory Standards of Governance and Financial Management, and guidance issued in relation to Notifiable Events; Whistleblowing and Section 72 of the Housing (Scotland) Act 2010.

This Policy is compliant with some of the Association's other policies and codes, such as Whistleblowing, Codes of Conduct for Governing Body Members and Staff.

In terms of legislative obligations our Policy is compliant with our legal obligations particularly relating to data protection; whistleblowing and Section 72 of the Housing (Scotland) Act 2010.

Notification of Notifiable Events to Scottish Housing Regulator & Others

The SHR guidance contains clear expectations relating to the way in which notifications are made to the SHR. The SHR's Notifiable Events guidance should be read in conjunction with this Policy.

The Association's Code of Conduct for Governing Body Members details the procedure to be used in the event of a breach (or suspected) breach of the Code by a governing body member. This Code should be read in conjunction with this Policy as it sets out the procedure to be used in these circumstances.

The SHR's expectations dictate the roles and responsibilities of both the Association's governing body members; the senior officer (the Chief Executive Officer) and the Management Team; and the management systems that we need to have in place.

In particular, the Chair of the governing body (the Board) retains responsibility for reporting notifiable events that relate to governance or organisational issues; and for raising awareness of these amongst their fellow Board members.

Equality and diversity

Craigdale is committed to the principles of equality and diversity, including working towards a Board and staff team that is representative of the communities it serves in respect of Protective Characteristics.

We recognise that everyone's needs must be met in different ways and that people should be treated fairly and with respect in an environment that is free from discrimination and harassment.

Further detail on our commitment to equality and diversity can be found in our Equality & Diversity Policy.

Complaints

Anyone who is unhappy with the implementation our Notifiable Event Policy then they should raise their complaint through the Association's Complaints Policy.

Review

The Board will review the Notifiable Events Policy every 3 years or earlier if required.