

# NORTH VIEW Housing Association

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*North View is a registered Scottish charity – charity registration number SC032963*

## POLICY

### NOTIFIABLE EVENTS

All North View policies and publications can be made available on tape, in Braille, large print and community languages.  
For further details please contact us on 0141 634 0555 or email us on [enquiries@nvha.org.uk](mailto:enquiries@nvha.org.uk).

Passed:-	23/3/22	Review Date:-	Feb 2025
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## 1.0 PURPOSE

- 1.1 The purpose of this document is to set out North View Housing Association's policy and framework in relation to informing the Scottish Housing Regulator (SHR) about significant events (Notifiable Events) in compliance with Statutory Guidance.
- 1.2 Management Committee Meeting Agendas will include a standing item in relation to Notifiable Events. This will ensure that they are given sufficient priority by the Management Committee.

## 2.0 INTRODUCTION

- 2.1 The SHR published its Notifiable Events Statutory Guidance in February 2019 (updated June 2019). The Guidance details the circumstances in which Registered Social Landlords must notify the SHR about events that present a significant risk. A full copy of the Statutory Guidance document can be accessed at: <https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/notifiable-events>.
- 2.2 The Association will notify the SHR as soon as possible of any events which put at risk:
  - the interests or safety of tenants and other service users;
  - the financial health of the housing association, public investment or the confidence of private lenders; and
  - the good governance and reputation of an individual housing association or the housing association sector.
- 2.3 The Housing (Scotland) Act 2010 also requires the Association to notify the SHR about certain disposals of land and assets, and constitutional and organisational changes.
- 2.4 In complying with the Statutory Guidance, the Association meets the regulatory requirements of Chapter 3 of the Regulatory Framework and obligations under the Housing (Scotland) Act 2010.
- 2.5 Regulatory Standard 2.5 requires the Association to inform the SHR about any significant events:



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*'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 notifiable events guidance'.*

#### 3.0 WHAT ARE NOTIFIABLE EVENTS?

- 3.1 The Association should tell the SHR about any material, significant or exceptional issue, event, or change within our organisation and how we intend to deal with it, or where appropriate provide them with a reasonably detailed explanation as to why a significant change has been implemented.
- 3.2 As a general guide, Notifiable Events are those that may:
- seriously affect the interest and safety of tenant, people who are homeless or other services 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 Association into disrepute or raise public or stakeholder concern about the Association or the social rented sector.
- 3.3 What is 'material', 'significant' or 'exceptional' will depend on the nature of the event. Whether an event is 'material' or 'significant' may depend on factors which are unique to the Association. The Association should consider the risk and potential impact on the organisation when deciding whether an issue is a Notifiable Event. If it is unclear whether an event is a Notifiable Event, the Association will take further guidance directly from the SHR. If in doubt, the SHR recommends that we notify them.
- 3.4 Appendix 1 attached provides an illustrative list of the type of Notifiable Events that the Association should immediately contact the SHR about, including:
- governance and organisational issues;
  - performance and service delivery issues;
  - financial and funding issues; and
  - additional events that the SHR requires systemically important RSLs to notify them about.
- 3.5 The Association will consider the impact of the issue or event on our compliance with the Standards of Governance and Financial Management and other regulatory requirements including compliance with our legal obligations. We will notify the SHR of any material changes to the assurances or supplementary information reported in our Annual Assurance Statement.



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- 3.6 We are also required to notify the SHR about the outcome of tenant consultation of a ballot or written agreement, certain disposals of land, assets or leases, constitutional and organisational changes. These and the relevant timescales for notification are set out in Appendix 2.

#### 4.0 RESPONSIBILITY FOR NOTIFICATION

- 4.1 The Association's Director should tell the SHR about a Notifiable Event which relates to performance and service delivery issues or financial and funding issues.
- 4.2 The Chair of the Management Committee should tell the SHR when the Notifiable Event relates to a governance or organisational issue (for example, if the Director has left or there are concerns about the Association's Director or Management Committee). The Chair must tell the SHR about any changes relating to the Annual Assurance Statement.
- 4.3 Any Senior Staff member, who is authorised by the Association to do so, can notify the SHR in relation to the disposals and changes set out in Appendix 2.
- 4.4 The Association's Management Committee is accountable and responsible for the effective management of the Association and should be aware of all Notifiable Events, even those which the Director is responsible for reporting to the SHR. In some cases, we may need to notify other organisations of a Notifiable Event, for instance our lenders, if it is a financial issue or where a loan agreement specifies that certain events require to be notified to a lender.

#### 5.0 INFORMATION REQUIRED BY THE SHR AND HOW THIS IS SUBMITTED

- 5.1 The Association will submit a Notifiable Event to the SHR through the Landlord Portal. The Portal includes a template for the Association to complete which sets out the type of information the SHR needs about each event. This includes:
- what the significant event, disposal or change is;
  - when it happened or is going to happen;
  - who is involved and/or affected;
  - whether there are equalities or human rights implications and how the Association is ensuring we meet our legal duties in these areas;
  - what we are planning to do or what action we have already taken; and
  - when the Management Committee was informed/will be informed.
- 5.2 For notification of tenant consultation, the Association will refer to the SHR's statutory guidance on tenant consultation and approval which explains the SHR's information requirements.



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- 5.3 For notification events about disposals and constitutional or organisational changes, we will comply with Regulatory Standard 7. Appendix 2 sets out more information about this.
- 5.4 Where the Association may be unsure whether an event should be reported under Notifiable Events Guidance if it relates to an issue already noted in an Engagement Plan, we would seek further advice from the Regulation Manager named on the Plan.
- 5.5 We will ensure that our Information Commissioner Office registration appropriately covers our obligation to provide data to the SHR for regulatory purposes.

### 6.0 HANDLING A SERIOUS COMPLAINT AGAINST THE DIRECTOR

- 6.1 The SHR requires the Association to inform them when there is a serious complaint, investigation or disciplinary action relating to senior staff. Due to their nature and sensitivity, such issues have the potential to seriously damage the Association.
- 6.2 The SHR does not become involved in employment matters. Employment issues are for the Management Committee as employer to resolve with the individual employee. The SHR does, however, need assurance that the Management Committee will handle a serious complaint or grievance about its Director properly and will seek external advice and support to help it manage these situations.
- 6.6 The Association has a policy which sets out how the organisation will deal with serious complaints or grievances about the Director and the Management Committee. The Association will be open and transparent about their decision-making processes for handling such matters.
- 6.4 When dealing with a serious complaint or grievance against the Director, the SHR will expect the Association to:
- tell them about it, in accordance with the Statutory Guidance on Notifiable Events;
  - take prompt, independent and professional advice as appropriate to the individual complaint or grievance.
- 6.5 The Chairperson of the Association will notify the SHR if there is a formal serious complaint against the Director (for example serious allegations from an individual employee of bullying or harassment by the Director). The Chairperson will tell the SHR how the Management Committee intends to handle the complaint.



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- 6.6 The SHR will be assured that the Management Committee is seeking independent professional advice to support it in handling the complaint. The Director cannot provide advice to the Management Committee due to the clear conflict of interest and be involved in any way in managing the complaint. In such cases, the Committee will seek external advice and support to investigate and manage the complaint.
- 6.7 The Management Committee will act quickly when a staff member raises a serious grievance about the Director (for instance, if the grievance is about bullying or aggressive behaviour then the Management Committee will be responsible for taking immediate action). Given the likely sensitive nature of the grievance, the Committee will handle the complaint carefully with independent, expert support and advice.
- 6.8 Where a serious complaint has been made against the Director by a Committee Member or someone else who is not an employee, the Management Committee will ensure that it is taking independent advice about how to handle the complaint and that the Director takes no part in any investigation (other than co-operating with the investigator).
- 6.9 The Association will apply the grievance procedures included within Employers in Voluntary Housing's Statement of Terms and Conditions of Employment and Guidance Manual for handling discipline and grievance issues.
- 6.10 In the case of serious complaint against the Director, the Committee will be informed. The General Purposes Sub-Committee will normally be convened and involved to hear and decide on the grievance (rather than the Chairperson dealing with the complaint alone). In some cases, however, it may be appropriate for the Management Committee to commission an independent individual/organisation to conduct the investigation and report back to the General Purposes Sub-Committee. When there is an investigation, the Sub-Committee will oversee this and record all decisions to ensure transparency.
- 6.11 Where the decision is taken to investigate a serious complaint then the Management Committee will be informed (although not be told any of the detail) to ensure:
- the Management Committee retains full control over the Association's affairs;
  - the details of the grievance remain confidential (the individuals involved have the right to confidentiality);
  - the full Committee knows the grievance is being dealt with by the General Purposes Sub-Committee;



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- if external help is required, then the full Management Committee is aware of the situation from the outset and can authorise any associated costs;
- the Management Committee can monitor if a pattern of grievances emerges and decide what action to take; and
- by keeping the substance of the grievance confidential, then there is a clean route for any appeal to be heard by other members of the governing body who are untainted by detailed knowledge about the issue.

6.12 At the end of the process, the full governing body will be told about the outcome of the grievance and can approve any associated action.

6.13 If the SHR has concerns about the action the Management Committee is proposing to take, or it appears that the Director is involved in advising the Management Committee or in handling the grievance, then the SHR may act to support the Management Committee to carry out its role effectively and properly.

### 7.0 WHEN SHOULD THE SHR BE NOTIFIED?

7.1 The Association will alert the SHR to a Notifiable Event as soon as is reasonably practical. Sometimes this will mean alerting them before an anticipated event happens so that they are aware in advance. There should be no delay, for example, until after a scheduled Management Committee Meeting. Where a major incident occurs, we will alert the SHR as soon as possible. The SHR does not expect an event to be completely concluded before the alert is made to them. In particular, when we are considering a disposal or organisational change which requires us to consult tenants under the 2010 Act, we will notify the SHR at an early stage of deliberations.

7.2 Where the Association has told the SHR in our Assurance Statement that we meet Regulatory Standards and they find we are not, and we have not notified them of this, the SHR will engage with us to determine the significance of the non-compliance. It is a serious matter if we have failed to tell the SHR about a material or significant event or issue, or we have delayed notifying them of it and it will be treated as such.

7.3 The SHR will engage directly with us to determine any action they may need to take. Where our regulatory status is shown as 'compliant', the SHR may amend this to indicate that it is 'under review'. Chapter 6 and 7 of the Regulatory Framework provides an explanation of how the SHR will respond to serious concerns.

7.4 The SHR may look at whether the Association has notified them in accordance with the Statutory Guidance as part of work to verify its Annual Assurance Statement, or



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during a visit or other engagement activity.

- 7.5 Further information on timescales for notifications of disposals and constitutional changes is set out in Appendix 2.

#### 8.0 WHAT WILL THE SHR DO WITH THE INFORMATION PROVIDED?

- 8.1 The Association is responsible for managing its own organisation and for dealing with the events that occur. The requirement to tell the SHR about certain events does not transfer that responsibility to the SHR. The Association is expected to have an effective strategy in place to deal with the event and needs to satisfy the SHR that the action it is taking will protect the interests of our tenants and other service users.
- 8.2 If the SHR needs more assurance about how we propose to deal with an event, they will engage with us
- 8.3 The SHR may inform, or ask the Association to inform, another regulator or authority if that is considered appropriate. They may also ask the Association to obtain professional or impartial advice (for instance, legal, financial, or employment advice). Depending on the nature of the event, we will consider whether there are any matters that we need to report to Police Scotland. The SHR will also report matters to Police Scotland if they suspect that an offence may have been committed.
- 8.4 If the Association gives the SHR information in confidence, the Statutory Guidance states that they will respect that confidentiality, provided it does not compromise their ability to safeguard the interests of our tenants or the sector, or breach any legal obligations (for example, under the Data Protection Act and General Data Protection Regulation (GDPR), or where they are concerned that an offence may have been committed).

#### 9.0 INTERNAL POLICIES AND PROCEDURES

- 9.1 The Association's internal policies and procedures will reflect the requirement and guidance to alert the SHR of Notifiable Events. It is essential that senior staff and Management Committee Members understand Notifiable Events' requirements and assure themselves, and the SHR, that we are complying with this through the Association's Annual Assurance Statement.
- 9.2 If a staff member or Committee Member is aware of a Notifiable Event which has not been submitted to the SHR, they should report it through the Association's Whistleblowing Policy. If this is not possible, or the attempt to report internally has been unsuccessful, they can report it directly to the SHR.



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### 10.0 LINKS TO OTHER GUIDANCE

- 10.1 The Regulator's Guidance on Notifiable Events forms part of a suite of information on regulatory compliance:

**Tenant Consultation and Approval:** There is separate regulatory guidance on tenant consultation and approval for proposals to sell or transfer tenanted homes, which require us to consult tenants under the 2010 Housing (Scotland) Act.

**Whistleblowing:** The Regulator has produced a separate advisory guidance and a fact sheet about how we should deal with Whistleblowing. Whistleblowing is when someone within the Association believes that there has been improper conduct in our organisation and reports this to someone within the Association who is in a position to deal with it (for example the Director or a Senior Officer). If there has been whistleblowing within the Association, we will notify the Regulator about the allegations and tell them about how we are responding to the issues.

**Section 72 of The Housing (Scotland) Act 2010:** This guidance places a duty on external auditors and reporting accountants to disclose events of material significance to the SHR. If the Association is aware that an auditor has reported an issue to the SHR under Section 72, we do not need to report this issue as a Notifiable Event because the SHR will ask for any additional information from us should they need it.

**Group Structures and Constitutional Partnerships:** The Regulator has produced separate Statutory Guidance on Group Structures and Constitutional Partnerships which would be relevant if the Association is considering setting up a group structure.

**Annual Assurance Statement:** The SHR has issued Statutory Guidance for the completion of the Association's Annual Assurance Statement. This includes guidance on how to report any material and significant non-compliance with the Standards of Governance and Financial Management and regulatory requirements.

### 11.0 EQUALITIES

- 11.1 This Policy has been assessed against the Association's Equality Impact Assessment Tool to ensure its impact on anyone belonging to a 'protected characteristic' group is fully understood and taken into account.



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### 12.0 REVIEW

- 12.1 This Policy will be reviewed every three years or in response to changes to the Statutory Guidance.

*End*



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## POLICY

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### Appendix 1

#### Examples of Notifiable Events

##### Governance and organisational issues:

- any material changes to the assurances and supplementary information contained in the Annual Assurance Statement
- the membership calls a Special General Meeting
- removal of any governing body member by the Association
- 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 Association's code of conduct by governing body members
- resignation or dismissal of the Association'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
- 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 Association or group
- plans to set up a non-registered subsidiary
- potentially serious breach 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
- any legal proceedings taken against the Association which may have significant consequences for the Association in the event of success
- serious failure of governance within the Association'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 Association
- breach of charitable obligations or no longer meeting the charity test
- whistleblowing allegations



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### 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 or insurance provider, has notified its concerns for example the Fire Brigade, etc
- serious accidental injury or death of a tenant in their home or communal areas:
  - where there has been a service failure by the Association;
  - 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 us as the landlord and our reputation
- major failure of key service delivery arrangements (for example, repairs cannot be carried out because a contractor goes into liquidation)
- breaches of ballot commitment to tenants or stock transfer contractual agreement
- adverse report 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)
- any significant natural disaster (for example, fire, flood or building collapse) which affects the Association's normal business
- serious or significant adverse media reports, or social media interaction, which could potentially affect tenants' confidence in the Association or that is damaging to the reputation of the Association

### 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 immediate 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 Association or its parent/subsidiaries/related companies/connected bodies from Pensions Trustees
- a serious or material reduction in the funding for care and support services
- change of internal or external auditor



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**Additional issues that the Regulator requires systemically important Associations to notify them about:**

- 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

***Please note: This list is illustrative not exhaustive.***



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### Appendix 2

#### **Notification of Tenant Consultation, Disposals, Constitutional and Organisational Change:**

The 2010 Act requires the Association to notify the SHR of the results of tenant consultation, certain disposals, constitutional and organisational changes. The Statutory Guidance document 'Tenant consultation and approval' (February 2019) sets out the SHR's requirements in relation to notification about tenant consultation.

The full document can be found at <https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/tenant-consultation-and-approval>.

#### **Tenant Consultation**

The 2010 Act requires the Association to notify the SHR of the results of tenant consultation (such as the outcome of a ballot or written agreement). The Statutory Guidance sets out the requirements in relation to notification about tenant consultation.

#### **Disposal of Land and Assets**

The 2010 Act requires the Association to notify the SHR of any disposal of land or other assets as soon as reasonably practicable after the disposal is made. Where a tenant who has a SST will become the tenant of another landlord as a result of the disposal, the Association must notify the SHR within 28 days.

The Association must notify the SHR of:

- disposals by way of sale of tenanted social housing dwellings
- disposals by way of granting security over social and non-social housing dwellings land or other assets
- disposals by way of sale or exchange of untenanted social and non-social housing dwellings, land or other assets over £120,000
- disposals by way of lease of social housing dwellings
- disposals by way of lease of roof space of residential, tenants' properties for renewable energy sources or telecommunications
- disposal by way of 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



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### Constitutional and Organisational Changes

The Association must notify the SHR of the following:

- 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

***End***

***Policy established: 23/03/2022***



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