



GROUP NOTIFIABLE EVENTS POLICY

POLICY IMPLEMENTATION CHECKLIST	
Policy Guardian:	Chief Executive
Author:	Integration Director
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Approved by Chief Executive on:	N/A
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Approved by Cordale Committee of Management:	24 June 2014
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Due for review on:	June 2017
Diversity compliant:	Yes
Equality Impact Assessment required:	No
Data Protection compliant:	Yes
Health & Safety compliant:	Yes
Procedure implemented:	Yes
QL system changes made:	N/A
KPIs / reporting arrangements implemented:	Yes
Training Completed:	
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Business Services – Implementation Review:	

1 Introduction

1.1 The Group, including Caledonia and Cordale Housing Associations, 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, public investment or the confidence of lenders; and
- the good governance and reputation of individual RSLs and the RSL sector.

1.2 We understand and recognise the associated regulatory expectation that SHR should be informed about certain exceptional events, which potentially put fulfilment of these tenets at risk.

2 Definition

2.1 The SHR Guidance Note on Notifiable Events, defines notifiable events as "...serious events that may be seen as potentially bringing the RSL into disrepute, that significantly threaten the stability, efficient running or viability of an organisation, or which would raise public or stakeholder concern about the RSL or the social rented sector."

2.2 To this end, it confirms that SHR expects an RSL to report "...any significant or exceptional issue, event, or change within its organisation and how it intends to deal with it."

2.3 The Guidance Note formally sets out the types of 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 are listed below as follows:

2.4 Governance and Organisational Issues

- Removal of governing body members
- Resignation of governing body members for non-personal reasons, resignation of governing body office-bearers, audit committee members, and Chairs of sub-committees
- The membership of the governing body falls, or is going to fall, to seven
- Resignation or dismissal of the RSL chief officer; dismissal of senior staff members; resignation of senior staff members in larger RSLs (over 500 units)
- The membership calls a special general meeting
- Serious complaints, allegations, investigations, or disciplinary action relating to the governing body or senior staff
- Employment tribunals
- Breach of the Regulatory Standards

- Breaches of the Code of Conduct by governing body members and any proposed investigation of these or action taken in response
- Major organisational change or restructuring (including details about posts to be removed / created; the outcome / impact for individual staff members and any compulsory redundancies which may be involved,)
- Potentially serious breach of legislation by the RSL or serious legal action taken against the RSL
- Serious failure of governance within an RSL 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 non-constitutional partnership it is part of
- Breach of charitable obligations or no longer meeting the charity test
- Whistleblowing allegations

2.5 *Performance and Service Delivery Issues*

- Any incident involving the Health & Safety Executive or a serious threat to tenant safety
- Serious accidental injury or death of a tenant potentially affecting other tenants' confidence in the landlord or its property 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, etc., about the RSL
- Significant natural disasters e.g. fire, flood, building collapse, etc., that is of a scale to affect the RSL's normal business; or where a regulatory or statutory authority has notified its concerns, including for example, the Health and Safety Executive and Fire Brigade.

2.6 *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

- Any material reduction in stock or asset values; actual or potential
- Serious concerns raised by lenders or auditors
- Serious and immediate potential cashflow issues
- Proposed assignation or transfer of the existing lender's security to another lender
- Notification of the outcome of a financial assessment of the RSL or its parent / subsidiaries / related companies / connected bodies from Pensions Trustees
- A material change to the asset disposal strategy agreed with the regulator
- 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.

3 Notification of Notifiable Events to Scottish Housing Regulator

- 3.1 The SHR guidance contains clear expectations relating to the way in which notifications are made. .
- 3.2 These dictate the roles and responsibilities of both the Group's Governing Bodies and senior managers; and the management systems that we need to have in place.
- 3.3 In particular, the Chair of each of the governing bodies in the Group retains responsibility for reporting notifiable events that relate to governance or organisational issues; and for raising awareness of these amongst their fellow Governing Body members.
- 3.4 Similarly, the Group Chief Executive, with guidance as appropriate from Cordale's senior officer, is responsible for reporting notifiable events relating to performance and service delivery issues or financial and funding issues; and again, for ensuring that Caledonia's Management Board, and as appropriate Cordale's Committee of Management, is made aware of these. The Group Chief Executive is also responsible for ensuring arrangements are made for the proper recording and filing of all relevant regulatory correspondence. In practice, the Group Chief Executive will fulfil these tasks in consultation with other senior staff members of the Group.