

Clydebank HA - Notifiable Events Register

Date-21/11/19

The Association is clear on its obligations under the current Scottish Housing Regulator's Notifiable Events Register and keeps a register of all Notifiable Events lodged. This can be substantiated via the SHR portal. One new notifiable event was recorded on the portal in the last month.

	Date Lodged	Details	Further information, e.g. <ul style="list-style-type: none"> Info requested by SHR MC dates and decision 	Status
1	12/12/2017	Governance and organisational issue . [REDACTED]	<ul style="list-style-type: none"> Further info supplied to SHR in relation to the offence. MC requested that GB member resigns. GB member resigned and MC accepted resignation SHR notified and satisfied with the MC's response 	Closed
2	29/06/2018	Governance and organisational issue . [REDACTED]	<ul style="list-style-type: none"> Chairman resigned following AGM [REDACTED] SHR informed and satisfied with response 	Closed
3	19/10/2018	Governance and organisational issue . CHA submits partnership proposal to DPHA for Transfer of Engagements	<ul style="list-style-type: none"> CHA provided details of proposal and timescales Involves major organisational change and a material variation to the Association's current business plan 	Closed
4	28/10/2019	Performance and service delivery issues . Health and Safety Asbestos inspections outstanding for 41 common areas	<ul style="list-style-type: none"> The 41 surveys were instructed and completed on 31 October 2019. Advice sought from asbestos management company and we were not required to report this matter to HSE as the Association had identified the breach and took steps to rectify within the above timescale. No adverse reports received which constituted a risk to tenants 	Closed

Notifiable Events (a brief summary and procedure)

The Scottish Housing Regulator's Feb 2019 Guidance sets out the events that we must tell them about. It explains why the SHR has a regulatory interest in these events, what we must notify them about, and what they will do with the information we give them.

The lists below provide examples of the type of notifiable event we must notify the SHR about. As a general guideline, notifiable events are those that may:

- seriously affect the interests and safety of tenants, people who are homeless or other service users
- threaten the stability, efficient running or viability of service delivery arrangements or confidence of private lenders
- put at risk the good governance and financial health of the organisation
- bring the RSL into disrepute, or raise public or stakeholder concern about the RSL or the social housing sector.

Examples of Notifiable Events

a) 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

b) 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 advised the RSL of concerns for example the Fire Brigade, etc.
- 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 RSL; or
- 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 commitment to tenants or of any stock transfer contractual agreement
- 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)
- Any significant natural disaster for example, fire, flood or building collapse which 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

c) 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

d) Additional issues that we require systemically important RSLs to notify us 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.

Notifiable Events Procedure

Reporting a new notifiable event (including a material change to the Association's annual assurance statement)

1. The Management Committee reviews the notifiable events register on a monthly basis via its Management Committee meeting
2. It is the responsibility of the Chief Executive to maintain the Notifiable Events Register
3. Any known or potential notifiable events will be reported via the SHR portal as soon as practically possible.
4. The Chief Executive has been given delegated authority to update the SHR Portal as appropriate
5. New notifiable events will be updated on the Association's Notifiable Events Register by the Chief Executive/Senior Management Team as and when required and reported to the next available meeting.
6. Regular updates will be given to the Management Committee
7. The Chief Executive will provide the Scottish Housing Regulator with any requested information.
8. The Management Committee will be kept fully informed of progress and when a Notifiable Event has either been escalated and/or deemed as a breach of the Regulatory Standards or has been closed off of the SHR.
9. Should a notifiable event be deemed as material . the Management Committee and Chief Executive will engage with the SHR to ensure all steps are taken to rectify per the Association's Policy.
10. It is noted that a material breach may result in a change of the Association's Regulatory status and stakeholders will be informed accordingly.