



"Offering our community more than a home"

Notifiable Events Policy

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CHA Objectives:

- To ensure that our resources are adequate to deliver our objectives by investing in our people, demonstrating value for money and through robust procurement practices.
- To promote social inclusion by applying principles of equality and diversity to everything we do.

Regulatory Standards:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these objectives.
- The RSL manages its resources to ensure its financial well-being and economic effectiveness.
- The governing body bases its decision on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
- The RSL conducts its affairs with honesty and integrity.
- The governing body and senior officers have the skills and knowledge they need to be effective.

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

1. Introduction and purpose

The aims and objectives of this policy are to ensure Clydebank Housing Association (CHA) has a robust framework in place to ensure regulatory requirements in relation to Notifiable Events are met at all times and any events arising are submitted to the Scottish Housing Regulator (SHR) in accordance with the guidance issued.

The policy further sets out to ensure any Notifiable Events that do occur are managed effectively and safeguard the association, its tenants and service users from any negative effects resulting from any events.

- 1.1 This Policy is in line with the Scottish Housing Regulator's (SHR) Guidance on Notifiable Events (updated February 2024) and sets out the events that Clydebank Housing Association should tell the Scottish Housing Regulator about.

The SHR guidance, explains why the Regulator has a regulatory interest in us, what they expect an Association/Registered Social Landlord (RSL) to notify them about and what they will do with the information we give them.

The Regulator is interested in events which may put at risk:

- The interests or safety of tenants, people who are homeless and other service users;
- The financial health of the RSL, public investment in the RSL, or the confidence of private lenders; or
- The good governance and reputation of an individual RSL or the RSL sector.

- 1.2 The Regulator's approach to regulation is risk-based and proportionate. This means that they will only gather information that they need to regulate effectively, and they require RSLs to alert them to certain events as quickly as possible.
- 1.3 Standard 2.5 of the Standards of Governance and Financial Management requires RSLs to inform the Regulator about any significant events. Their guidance sets out what type of events RSLs should tell them about so that RSLs can be clear about what the Regulator needs to know.

2. What are notifiable events?

- 2.1 The Association should tell the Regulator 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.

- 2.2 The lists in Appendix 1 provide examples of the type of notifiable event our Association should immediately contact the Regulator about. They are illustrative rather than exhaustive. As a general guideline, notifiable events are those that may:
- Adversely affect the interests and safety of tenants, people who are homeless or other service users;
 - That may threaten the stability, efficient running or viability of service delivery arrangements,
 - Put at risk the good governance and financial health of CHA
 - That would bring, or risk bringing, the Association into disrepute or raise public or stakeholder concern about the Association or the social rented sector.
- 2.3 The term 'material', 'significant' or 'exceptional' will depend on the nature of the event and the particular RSL. The Regulator appreciates that whether an event is 'material', 'significant' or 'exceptional' may depend on factors such as the size or complexity of the Association; so, the Association should consider the risk and potential impact on our organisation when deciding whether an issue is a notifiable event.
- 2.4 The Regulator wants to ensure that the Association bring only the most critical of issues to their attention. If we are unsure whether an event is a notifiable event, we will take further guidance directly from our Regulation Manager.
- 2.5 Appendix 1 sets out examples of the type of events we **must** alert the Regulator about:
- Governance and organisational issues
 - Performance and service delivery issues
 - Financial and funding issues
 - Additional events that the Regulator requires systemically important RSLs to notify them about
- 2.6 The Association must 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 and any requirement to notify our lenders in certain circumstances. The Association must notify the SHR of any material changes to the assurances or supplementary information reported in our Annual Assurance Statement
- 2.7 Appendix 2 explains when the Association must notify the SHR about the outcome of tenant consultation, certain disposals, constitutional and organisational changes, and the timescales for notification

3. Who should notify the Regulator?

- 3.1 Our Chief Executive (senior officer), should tell the Regulator about a notifiable event which relates to governance and organisational issues, performance and service delivery concerns or financial and funding issues.

- 3.2 The Chair of our management committee/governing body should tell the Regulator when there is a conflict of interest for the senior officer, for instance if our senior officer has left the Association or if there is concerns about our senior officer or our governing body. The Chair must also tell the SHR about any changes relating to the Annual Assurance Statement.
- 3.3 The Association's Secretary or a senior officer who is authorised by the Association can notify the SHR in relation to disposals and changes set out in Appendix 2. This is something which is set out in the Association's Standing Orders under the Scheme of Delegation.
- 3.4 The governing body is accountable and responsible for the effective management of our organisation and the Regulator expects them to be aware of all notifiable events that happen in our Association, even those which the senior officer is responsible for reporting to the SHR. In some cases, we may need to notify other organisations of a notifiable event, for instance lenders, if it is a financial issue or where loan documentation specifies that certain events require to be notified to our lenders.
- 3.5 Where the issue affects our subsidiaries, we will also refer to the SHR's Group Structures guidance.

All Management Committee meetings will include a standing agenda item on notifiable events in order to ensure that Management Committee have the opportunity to raise notifiable events and are aware of them when they occur. This process will also be set out in the Standing Orders Policy under 'Delegated Authority'.

4. What information does the Regulator need and how is it submitted?

- 4.1 The Association will submit a notifiable event to the Regulator through the Landlord Portal ('the portal'). The portal includes a template for us to complete which sets out the type of information the Regulator needs about each event. The SHR need to know:
 - What the significant event, change or disposal is;
 - When it happened or is likely/going to happen;
 - Who is involved and/or affected?
 - Whether there are equalities or human rights implications and how the Association is ensuring it meets its legal duties in these areas;
 - What we are planning to do or what action we have already taken; and
 - When the governing body was informed/will be informed.
- 4.2 For notification of tenant consultation, we will refer to the SHR's statutory guidance 'Tenant consultation and approval' which explains our information requirements. This should be referred to if the Association proposes to sell or transfer tenants' homes, restructure or take other decisions that could significantly affect tenants.

- 4.3 When notifying the SHR about disposals, and constitutional or organisational changes, we will include details of the change and confirm we have complied with Regulatory Standard 7. Appendix 2 explains the information requirements in detail.
- 4.4 When the Regulator receives the notifiable event through the portal, they will aim to respond within eight working days with the Chief Executive being responsible for informing the Management Committee of the response.
- 4.5 RSLs that currently have a regulation plan should call the lead officer (Regulation Manager) noted in the regulation plan for advice as to whether an event should be reported under the notifiable events guidance if it relates to an issue already noted in the regulation plan. This is reviewed annually by the Regulator.

The Data Protection Act requires our Association, as we process personal data, to register as a data controller with the Information Commissioner's Office (ICO). Our ICO registration appropriately covers our obligation to provide data to the Scottish Housing Regulator for regulatory purposes.

5. When we should notify the Regulator?

- 5.1 The Association will alert the Regulator to a notifiable event as soon as is reasonably practical. Sometimes this will mean alerting them before an event happens so that they are aware in advance. There should be no delay, for instance, until after a scheduled governing body meeting. And where a major incident occurs, we will alert the Regulator as soon as possible. The Regulator does not expect an event to be completely concluded before the alert is made to them. In particular when an RSL is considering a disposal or organisational change which requires it to consult tenants under the 2010 Act, the RSL should notify the SHR at an early stage in its deliberations.
- 5.2 The Association recognises the importance of accuracy in completion of our Assurance Statement and notifying the SHR of any matters that may affect our ongoing compliance with the Standards of Governance and Financial Management and Regulatory Requirements. We understand that the SHR will engage with the Association and treat matters seriously where we fail to tell them about a material or significant event or issue, or we have delayed notifying them of a matter.
- 5.3 The Regulator will engage directly with the Association to determine any action they may need to take. Where CHA's regulatory status is shown as 'compliant', the SHR may review this if the issue is sufficiently serious as to impact on our compliance with regulatory requirements or the Regulatory Standards of Governance and Financial Management. The SHR sets out how it will respond to serious concerns about an RSL in Chapters 6 and 7 of the Regulatory Framework.

- 5.4 The Regulator may look at whether CHA has notified them in accordance with the SHR's Statutory Guidance on Notifiable Events as part of their work to verify our Annual Assurance Statement, or during a visit or other engagement activity.
- 5.5 The SHR provide further information on timescales for notifications of disposals and constitutional changes in Appendix 2.

6. What will the Regulator do with the information we give them?

- 6.1 The Regulator's approach to regulation is risk-based and proportionate. This means that they will only gather information that they need to regulate effectively. They use the information submitted through notifiable events to inform their regulatory strategy and as part of the annual risk assessment process. Notifiable events allow the SHR to monitor events that occur within RSLs. Often, it is simply enough that they know about the event and have assurance that the RSL is handling any associated risks appropriately. They may ask for further information if they need more assurance.
- 6.2 The Regulator may inform, or ask us to inform, another regulator or authority if appropriate. They may also ask the RSL to get professional or impartial advice, for instance, legal, financial, or employment advice. Depending on the nature of the event, the RSL should consider whether there are any matters that it needs to report to the police. The Regulator will also report matters to the police if they suspect that an offence may have been committed.
- 6.3 Where they have all of the relevant information and are assured by the actions taken by the RSL, the SHR will action and close the event more quickly. This will vary on a case-by-case basis depending on factors such as the size or complexity of the RSL or other ongoing regulatory engagement
- 6.4 The Association is responsible for managing our own organisation and for dealing with the events that occur. Requiring us to tell the Regulator about certain events does not transfer that responsibility for dealing with the implication to the Regulator. The Association is expected to have an effective strategy in place to deal with the event and need to assure the Regulator that the action we take, or intend to take, will protect the interests of our tenants and other service users. If the Regulator is concerned about our strategy to deal with the event, they will make clear what is expected we do to allay any concerns.
- 6.5 If we give the Regulator information in confidence, they will respect that confidentiality, provided it does not compromise their ability to safeguard the interests of the Association's tenants or the housing 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.

7. Our Policies and Procedures

- 7.1 We are responsible for managing our own organisation and our internal policies and procedures should reflect the requirement to alert the Regulator to notifiable events in accordance with SHR guidance. No matter how we choose to reflect notifiable events within our policies and procedures, senior staff and governing body members should understand the notifiable events requirement and assure ourselves, and the Regulator, that we are complying with this through our Annual Assurance Statement.
- 7.2 Where an Association staff member, or governing body member, is aware of a notifiable event that has not been submitted to the SHR, they should report it within the organisation through the Whistleblowing Policy. If that is not possible, or the attempt to report internally has been unsuccessful, they can whistleblow to the SHR directly.

8. Links to other guidance

- 8.1 **Tenant consultation and approval:** The Regulator has produced separate statutory guidance on tenant consultation and approval for RSLs proposing to, for example, sell or transfer tenanted homes, which require it to consult tenants under the 2010 Act.
- 8.2 **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 Chief Executive or a Senior Officer. If there has been whistleblowing within our Association, we will notify the Regulator about the allegations and tell them about how we are responding to them.
- 8.3 **Section 72:** the Regulator has issued guidance on Section 72 of The Housing (Scotland) Act 2010. This places a duty on external auditors and reporting accountants to disclose events of material significance to them. If we are aware that an auditor has reported an issue to the Regulator under Section 72, we do not need to report this issue as a notifiable event. This is because the Regulator will ask for any additional information from us should they need it.
- 8.4 **Group Structures:** The Regulator has produced separate statutory guidance on Group Structures for RSLs that are part of a group structure and RSLs which are considering joining or setting up a group structure.
- 8.5 **Annual Assurance Statement:** The Regulator has issued statutory guidance for RSLs on how to prepare their 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.

9. Equalities and Human Rights

- 9.1 The Regulatory Framework and the SHR's Equalities Statement sets out the Regulator's commitment to how they promote equalities in their regulation and from within their organisation.

The Association similarly sets out our equality statements within our Equality and Diversity Policy and our Equality, Diversity and Inclusion Strategy.

- 9.2 The Regulator regulates to safeguard and promote the interests of tenants and other service users. These are diverse and vulnerable groups with different needs and priorities. They expect us to meet our equalities obligations, to work to understand the individual needs of our customers and to deliver services that recognise and meet these needs.

- 9.3 The Regulator promotes, monitors and assesses equal opportunities across Scottish social landlords in a number of ways, including through annual returns on the Scottish Social Housing Charter. They encourage us to make use of available guidance and practical support materials on complying with equalities legislation and to seek advice where appropriate. Further guidance is available from: SFHA Guidance on Equalities; CIH Guidance on Equalities; EHRC Guidance on Equalities for Social Landlords.

We will not discriminate on the grounds of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, and Sexual Orientation. An Equality Impact Assessment has been carried out and none of these protected groups will be unduly affected by this Policy. The Policy applies to all.

The Association will provide equality of opportunity and fair treatment for all, ensuring that no individual or group is treated less favourably than anyone else. We work closely with community stakeholders, to provide assurance that we are achieving these aims.

The Association will meet, and where appropriate exceed our obligations under the Equality Act 2010, including the general equality duty in the Act, to ensure we do not discriminate against, harass or victimise a person because they have one or more of the nine protected characteristics described in the Act.

An Equality Impact Assessment has been carried out as part of the review of this policy, in order to assess where the aims of this policy may have a positive, negative or neutral impact upon any of the nine Protected Characteristics set out in the Equality Act 2010

10. Review

CHA undertakes to review this policy regularly, at least every three years, with regard to:

- Applicable legislation, rules, regulations and guidance
- Changes in the organisation
- Continued best practice

For Office Use Only – Required Actions

Customer Consultation Required/Arranged	No
Intranet Update	Yes
F Drive Update	Yes
Website Update	Yes
Leaflet change required?	No
Newsletter Promotion?	No
Other information updated, e.g. posters, automatic email responses, post cards, answering machine messages, etc.	No
Equality Impact Assessment completed and attached	Yes

Appendix 1 - Examples of Notifiable Events

Governance and organisational issues:

- Any material change to the assurances and supplementary information contained in the Association's 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 – (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 Association or group
- Plans to set up a non-registered subsidiary
- 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
- Any legal proceedings taken against the Association which may have significant consequences 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
- 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 and resident safety; or where a regulatory or statutory authority (for example, the Fire Service etc) or insurance provider, has advised the Association of concerns
- 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 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 any ballot commitment to tenants or of any stock transfer contractual agreement
- 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)
- Any significant natural disaster (for example, fire, flood or building collapse) which affects the Association's normal business and puts tenants at risk
- Serious or significant adverse media reports, or social media interaction, which could potentially affect tenants' confidence in us as the landlord or that is damaging to the reputation of the Association or housing sector.

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 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 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

It is important to note that this list is illustrative and not exhaustive. If you are unsure whether an event is a notifiable event, please contact the Association's Regulation Manager who will be happy to discuss this with you and give further advice. If in doubt, please notify the SHR.

Appendix 2 – Other Notifications

The 2010 Act, as amended by the Housing (Amendment) Act 2018, requires the Association to notify the Regulator of the outcome of tenant consultation, certain disposals, constitutional and organisational changes.

Tenant consultation

The 2010 Act requires the Association to notify the Regulator of the results of tenant consultation, such as the outcome of a ballot or written agreement. The statutory guidance 'Tenant consultation and approval' 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 Regulator of any disposal of land or other assets as soon as reasonably practicable after the disposal is made. Where a tenant who has a Scottish Secure Tenancy will become the tenant of another landlord as a result of the disposal, the Association must notify the Regulator within 28 days.

The 2010 Act provides for the Regulator to determine when they want to be notified and when to dispense with this requirement. The following section is the determination.

The Association must notify the Regulator of:

- disposals by way of sale of tenanted social housing dwellings (and ensure that they comply with their legal obligations to consult tenants under sections 115, 115A and 115B of the 2010 Act)
- disposals by way of granting security over social and non-social housing dwellings land or other assets
- disposals by way of sale or excambion of untenanted social and non-social housing dwellings, land or other (including non-residential) assets over £120,000
- disposals by way of lease of social housing dwelling;
- disposals by way of lease of roof space of residential, tenanted properties for renewable energy sources (for example solar panels) or telecommunications (for example aerials) and ensure that they comply with their legal obligations to consult tenants under s110 of the 2010 Act
- disposals 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 purposes (except where property is leased to a local authority for temporary accommodation for people who are homeless)
- any other disposals not listed above which could have significant implications for tenants or other service users.

The Association does not need to notify the Regulator of disposals which do not fall into the categories above. If unsure whether notification applies, please contact our Regulation Manager for further advice. If in doubt, the Regulator recommend that they are notified.

As part of our notification about disposals by way of sale or transfer the Association should provide the Regulator with:

- a copy of the report to the governing body and minute of the meeting which agreed to the disposal
- details of the property which has been sold or transferred (property addresses)
- if the disposal was by way of a lease, a copy of the lease agreement, and
- the value of the property transferred and if the sale or transfer was at market value (if applicable).

For disposals of heritable security, the Association should provide the Regulator with:

- a copy of the report(s) to the governing body and minute(s) of the meeting(s) where the disposal was agreed.

Constitutional and organisational changes

The Association must notify the Regulator in relation to the following constitutional and organisational changes:

- change of name, office or constitution (s92)
- restructuring a society (s97) or company (s101)
- voluntary winding up or dissolution of a society (s98-99)
- converting a company into a registered society (s102)
- entering into a company voluntary arrangement (s103)
- voluntary winding up of a company (s104)
- becoming a subsidiary of another body (s104A).

For constitutional changes the Association should provide the Regulator with:

- the date the constitution was or will be adopted
- a signed copy of the new constitution a copy of the report and minute of the governing body meeting which agreed to adopt the new constitution, and
- confirmation if the new constitution complies with the Scottish Federation of Housing Associations model rules.

For organisational changes the Association should provide the Regulator with:

- a copy of the report and minute of the governing body meeting which agreed to the organisational change
- the date the change was or will be made, and

- for registered societies, a copy of the submission made to the Financial Conduct Authority including a copy of the special resolution passed by members (if applicable), or
- for companies, a copy of the submission made to the registrar of companies (including the special resolution passed by members (if applicable)).

Steps towards Insolvency

The Association must notify the Regulator where a notice of a proposal of a resolution for the winding up of the Association is given to members of the Association entitled to vote on it (s73 of the 2010 Act).

The Association will also be required to notify the Regulator under s73 of the 2010 Act if it takes certain other steps towards insolvency. Those steps are:

- presenting a petition for the winding up of the RSL
- applying for an administrative order in respect of a RSL which is a registered company
- appointing an administrator in respect of a RSL which is a registered company.

The timescales for notification and the notification process are set out in the 2010 Act and summarised in the statutory guidance. RSLs must ensure that they comply with these requirements.

Appendix 3 - Handling a serious complaint against the Director/Chief Executive of an Association

Purpose

- 1 This note sets out what the Regulator expects our Management Committee (governing body) to do when dealing with a serious complaint or grievance against the senior member of staff (Chief Executive) of the Association.
- 2 The Regulator requires us to tell them when there is a **serious** complaint, investigation or disciplinary action relating to our senior staff member. These serious complaints do not arise often but because of their nature and sensitivity and potential impact on leadership arrangements, they have the potential to seriously damage the organisation. The Regulator's experience of these cases has shown them that if our governing body does not have a clear process to deal with matters like this then the committee can get into difficulties and the original issue can be made worse by the complaint being handled inappropriately. This note sets out the Regulator's regulatory expectations so that we can deal properly with this type of situation.

Notify SHR

- 3 The Association should deal with and resolve minor issues at a local level, and the Regulator does not expect to be notified about those.
- 4 The Chairperson should notify the Regulator if there is a formal **serious** complaint against the Chief Executive, for example serious allegations from an individual employee of bullying or harassment by the Chief Executive. The Chairperson should also tell the Regulator how the governing body intends to handle the complaint.
- 5 The Regulator recognises the highly sensitive nature of such serious complaints. If the Association gives information in confidence, the SHR will respect that confidentiality, provided it does not compromise their ability to safeguard the overall interests of the Association or the sector or breach a legal obligation to disclose that information.
- 6 The Regulator does not become involved in employment matters. Employment issues are for our governing body, our Management Committee, as employer, to resolve with the individual employee. But they do need to be assured that the Management Committee will handle a serious complaint or grievance about our Chief Executive properly and will get external advice and support to help them manage these situations and discharge its employment responsibilities fully and properly.
- 7 The Association should have effective governance systems that set out clear procedures for dealing with **serious** complaints or grievances about our Chief Executive and the role of the governing body in those procedures. The Regulator expects us to be open and transparent about our decision-making processes for handling such matters.
- 8 When dealing with a serious complaint or grievance about our Chief Executive, the Regulator expects us to:

- tell them about it, in accordance with their guidance on notifiable events; and
- take prompt, independent and professional advice as appropriate to the individual complaint or grievance.

Take prompt, independent and professional advice

- 9 The Regulator needs to be assured by our governing body that we are seeking independent professional advice to support it to handle the complaint. In normal circumstances it is the Chief Executive who provides advice to the governing body. But where it is the Chief Executive who is the subject of the serious complaint or grievance, she has a clear conflict of interest and cannot be involved in any way in managing the complaint made against her. In cases like this our governing body will obtain external advice and support to manage the complaint.
- 10 The Association's governing body needs to act quickly when a staff member raises a serious grievance about the Chief Executive. For instance, if the grievance is about bullying or aggressive behaviour then our governing body must take immediate action. Given the likely sensitive nature of the grievance, it should be handled carefully with independent, expert support and advice. The Association will need to get an employment/personnel specialist to assist or a consultant with expertise in investigating such matters. The Association must ensure that its investigation of the complaint, and any subsequent action, complies with its legal duties, including those in relation to equalities and human rights.
- 11 Where a serious complaint has been made against the Chief Executive by a Management Committee member or someone else who is not an employee, then the Regulator also expects our Management Committee to ensure that we are taking independent advice about how to handle the complaint and that the Chief Executive takes no part in any investigation other than co-operating with the investigator.

Initial independent advice should be sought from either or a combination of the sources listed below for ease of reference. These advisors may recommend the use of other professional advice where necessary, e.g. investigation services, public relations, etc.:

- TC Young Solicitors: Mark Ewing, Partner
0141 221 5562
mee@tcyoung.co.uk
- Employers in Voluntary Housing: Paul McMahon, Chief Executive
0141 352 7432
paul@evh.org.uk
- Transforming HR: Nicola McGirr, Director
nicola@transforminghr.co.uk
- McMahon Employment Law (retainer held)
mail@mcmahonlaw.co.uk

Have clear procedures

- 12 The Association must have clear procedures setting out how we will investigate serious complaints or grievances against the Chief Executive. The Regulator expects the Association to apply the available good practice in dealing with the grievance and to meet their expectations and requirements as set out in their advisory guidance.

The governing body's role

- 13 The Association has a Finance, Audit & Risk sub-committee with delegated authority to deal with personnel/human resources matters or consider serious staff complaints. In the case of a serious complaint against the Chief Executive, the Regulator would always expect the sub-committee to be informed and involved, rather than the Chairperson dealing with the complaint alone. The sub-committee is likely to be involved in hearing and deciding on the grievance. But in some cases, it may be more appropriate to commission an independent party to conduct the investigation and report back to the sub-committee. Where there is an investigation then the sub-committee must oversee the investigation and record all decisions to ensure transparency.
- 14 Where the decision is taken to investigate a serious complaint, then the full governing body should be informed. However, it should not be told any of the detail. This is to ensure:
- the full governing body retains control over the Association's affairs;
 - the details of the grievance remain confidential (the individuals at the centre of allegations have the right to confidentiality);
 - the full governing body knows the grievance is being dealt with, for example, by the Finance, Audit & Risk sub-committee;
 - if the Association needs to bring in outside help, then the full governing body is aware of the situation from the outset and can authorise any associated costs;
 - the governing body 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.
- 15 At the end of the process, the full governing body should be told about the outcome of the grievance.

The Regulator's involvement

- 16 If the Regulator has concerns about the action our governing body is proposing to take, or it appears that the Chief Executive is involved in advising the governing body or in handling the grievance, and then the Regulator may need to act to support the governing body to carry out its role in accordance with regulatory standards.

Clydebank Housing Association Equality Impact Assessment Tool

The Equality Impact Assessment process aims to prevent discrimination against people who are categorised as being disadvantaged or vulnerable within society (as listed in point 4).

Name of the policy / proposal to be assessed	Notifiable Events	Is this a new policy / proposal or a revision?	Revision
Person(s) responsible for the assessment	Lynette Lees, Chief Executive		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	<ul style="list-style-type: none"> The aims and objectives of this policy are to ensure Clydebank Housing Association (CHA) has a robust framework in place to ensure regulatory requirements in relation to Notifiable Events are met at all times and any events arising are submitted to the Scottish Housing Regulator (SHR) in accordance with the guidance issued. 		
2. Who is intended to benefit from the policy / proposal? <i>(e.g. applicants, tenants, staff, contractors)</i>	<ul style="list-style-type: none"> The Policy should benefit staff and Management Committee with the provision of clear guidance Tenants, staff and contractors will benefit from this policy because Notifiable Event Reporting protects the interests or safety of tenants, people who are homeless and other service users, the financial health of CHA and supports the good governance and reputation of CHA as a community based RSL. 		
3. What outcomes are wanted from this policy / proposal? <i>(e.g. the benefits to customers)</i>	Compliance with the Scottish Housing Regulator Requirements and the ongoing trust and confidence of those who use our services or who are connected to the services we provide to the community.		

4. Which **protected characteristics** could be **affected** by the proposal? (*tick all that apply*)

Gender
 Disability
 Sexual Orientation
 Gender
 Disability
 Sexual Orientation
 Gender
 Disability
 Sexual Orientation

5. If the policy / proposal is not relevant to any of the **protected characteristics** listed in part 4, state why and end the process here.

Applicable to all – no particular group will be adversely affected by this Policy

	Positive impact(s)	Negative impact(s)
<p>6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4</p>		
<p>7. What actions are required to address the impacts arising from this assessment? (<i>This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts</i>).</p>	<p>Monthly NE reports to Management Committee to ensure ongoing compliance</p> <p>No actions been identified either positive or negative for the protected groups but this will be reviewed and monitored and any negative impacts identified will be addressed and rectified.</p>	

Signed: _____LYNETTE LEES_____ (Job title): _____Chief Executive_____

Date the Equality Impact Assessment was completed: _____25.10.2024_____

Please attach the completed document as an appendix to your policy / proposal report