



Notifiable Events Policy

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Policy Guardian:	Chief Executive Officer
Policy Author:	Corporate Services Manager
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1. Overview

This Policy outlines Linthouse Housing Association's obligation to notify the Scottish Housing Regulator (SHR) about any *material, significant, or exceptional* issue, event, or change within the organisation, and provide a detailed explanation of how the Association will deal with it.

This Policy has been prepared in accordance with the SHR Notifiable Event statutory guidance.

2. Scope

This Policy applies to all members of staff, the Senior Leadership Team and the Management Committee.

3. Objectives & Implementation

3.1 What is a Notifiable Event?

In accordance with the Statutory Guidance updated in February 2024, a notifiable event would include any issues or events that may:

- adversely 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
- put at risk the good governance and financial health of the organisation
- bring, or risk bringing, the RSL into disrepute, or raise public or stakeholder concern about the RSL or the social housing sector.

LHA must consider the impact of any such issue or event on its compliance with the Standards of Governance and Financial Management, or any other requirements or legal obligations including any requirement to notify lenders in certain circumstances.

3.1.1 The Regulatory Guidance categorises events within the following broad areas:

- governance and organisational issues
- performance and service delivery issues
- financial and funding issues
- additional issues that systemically important RSLs are required to notify SHR about

3.1.2 Material, Significant, or Exceptional?

What constitutes material, significant or exceptional will depend on the nature of the issue or event and the particular Housing Association such as its size and/or complexity.

3.2 Examples of Notifiable Events

The following provides examples of various events deemed 'notifiable' under each of the areas above. It is important to note that the examples are illustrative as opposed to exhaustive in nature.

3.2.1 **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
- 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, regardless of whether 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

3.2.2 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 RSL 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 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 any 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 and puts tenants at risk
- 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 or sector.

3.2.3 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

3.2.4 **Additional issues that systematically important RSLs are required to notify SHR 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.

3.2.5 **Tenant consultations, certain disposals, and constitutional and organisational changes**

The Housing (Amendment) Act 2018 also requires RSLs to notify the SHR on the outcome of tenant consultations, certain disposals, and constitutional and organisational changes. See Appendix 2 of the following guidance for further detail on circumstances where the SHR must be notified and what information must be provided [Notifiable events | Scottish Housing Regulator](#).

4. Reporting & Monitoring

4.1 Notifying the Scottish Housing Regulator of Notifiable Events

All NEs must be notified as soon as is practicably possible to the SHR using the online Landlord Portal, and provide the following detail:

- what the significant event, disposal or change is
- when it happened or is likely to happen
- who is involved and/or affected
- whether there are equalities or human rights implications and how the RSL is ensuring it meets its legal duties in these areas
- what the RSL is planning to do or what action it has already taken
- when the governing body was informed/will be informed

The Chief Executive Officer will notify SHR of any notifiable events that relate to governance and organisational, performance and service delivery, or financial and funding issues.

The Chair of the Management Committee must notify SHR of any events where there is a conflict of interest for the senior officer, for example, if the senior officer has left the organisation or if there are concerns about the senior officer or the governing body. The Chair must also notify SHR about any changes relating to the Annual Assurance Statement.

The SHR will aim to respond to Notifiable Events submitted within eight working days.

4.2 Notifying the Management Committee

All LHA Committee and Sub-committee meeting agendas have 'Declaration of Notifiable Events' as a standing item.

5. Policy Review

This policy will be reviewed every 3 years to ensure appropriate amendments are made, or whenever SHR guidance is amended.

6. Equalities Impact Assessment

Title Of Policy	Notifiable Events Policy
What is the purpose of this policy?	To clearly define what events are notifiable and must be reported to the SHR, and outline the process for notifying the governing body and Regulator
Protected characteristic groups affected by this policy:	N/A
Who is the target audience of this policy?	This policy applies to all members of LHA's staff and governing body members
List any existing documentation used to complete this assessment:	Notifiable Events Guidance on SHR portal
Has any consultation taken place with protected characteristics groups identified?	No
What is the likely impact?	N/A
Have you, or will you, put the policy into practice? Who is responsible for delivery of the policy?	Yes; CSM is responsible for the implementation of this policy and arranging relevant training for staff and committee members
How does this policy fit into our wider or related policy initiatives?	Facilitates robust governance procedures
Do you have a set budget for this work?	No

7. Version Control

Version Number	Name	Author	Notes
2.0	NE	CSM	No material changes; policy approved by ET Nov 24