



Protocol for reporting of Notifiable Events to the Scottish Housing Regulator

1. What are Notifiable Events?

1.1 Notifiable events are significant or exceptional issues, events or changes that may be seen as potentially bringing Spire View Housing Association (SVHA) into disrepute, that significantly threaten the stability, efficient running or viability of the organisation, or which would raise public or stakeholder concern about SVHA or the social rented housing sector as a whole. SVHA has a regulatory obligation to report such events to the Scottish Housing Regulator (SHR) as soon as practically possible, and to explain how it intends to deal with the event.

1.2 The Regulator expects to hear about events which:

- 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.
- 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.

The Regulator has issued guidance explaining what events are potentially notifiable, and the process for dealing with this ("Notifiable Events, Statutory Guidance February 2019"). Appendix 1 to the guidance note sets out examples of which events are notifiable, under the following headings:

- Governance and organisational issues
- Performance and service delivery issues
- Financial and funding issues

It is emphasised that the events described in this appendix are illustrative, not exhaustive, and committee and staff members should revert to the definition in paragraph 1.1 above to decide whether the event should be notified. If in doubt, SVHA's Regulation Manager at SHR should be contacted for advice.

1.3 Some housing associations are designated of “systemic importance”, and these associations have a wider obligation to report additional events. SVHA is **not** an association of systemic importance.

2. Maintaining awareness of the requirements of Notifiable Events guidance

2.1 SVHA’s Director must be fully conversant with the requirements of the latest guidance from the Scottish Housing Regulator on Notifiable Events at all times, and comply with these requirements fully and promptly.

2.2 The Director is responsible for immediately advising the SVHA management committee, and particularly the Chair and Vice-Chair, of any changes to regulatory guidance on this matter, and subsequently the management committee as a whole.

2.3 New committee members and management team members will be made aware of the requirements of the regulatory guidance via the induction process, and committee member training on Notifiable Events will be provided periodically, as appropriate.

3. Complying with Notifiable Events guidance

3.1 The Director, the management team, the Chair and Vice-Chair and all committee members of SVHA must remain vigilant about identifying actual or potential Notifiable Events, and raising this with the Chair of SVHA if they believe there are governance and organisational issues that should be notified, and with the Director if there are performance and service delivery issues, or financial and funding issues that should be treated as notifiable events.

3.2 The Chair (or the Vice-Chair in her/his absence) is responsible for determining whether a governance and organisational Notifiable Event has, or is about to occur, and if so, for ensuring that the Regulator is promptly informed in accordance with the requirements of the guidance. The Director (or any designated deputy in his/her absence) has equivalent responsibilities for performance, service delivery, financial and funding issues.

3.3 Timely notification of such events is essential. The Regulator expects to be informed as soon as is reasonably practical that an event has occurred, and before the event occurs if this can be anticipated.

- 3.4 The Director is responsible for ensuring that SVHA has registered the provision of data to the Scottish Housing Regulator for regulatory purposes with the Information Commissioner's Office under Data Protection Legislation.
- 3.5 The Director will complete the periodic compliance report to SVHA's management committee, certifying that any significant events occurring in the period under review have been properly notified to the Regulator. If SVHA should fail to notify the Regulator about a significant event, and this subsequently comes to light, SHR will re-assess SVHA's risk profile, and may take regulatory action.

4. Process for notification

- 4.1 All notifications should be submitted through the SHR Landlord Portal using the template provided. Governance events will be submitted under the supervision of the Chair, who may ask the Director to prepare a draft version prior to submission, and make the submission on the Chair's behalf. Service or financial related issues will be submitted by the Director, having in all cases first cleared a draft version with the Chair (or the Vice-Chair in her/his absence) prior to submission.
- 4.2 The Chair or Director (whoever has lead responsibility) will decide whether the matter is sufficiently urgent to telephone the Regulator in the first instance, followed by confirmation via the SHR Landlord Portal..
- 4.3 Copies of all notifications will be provided to the next following meeting of the SVHA management committee, together with any recommendations for action to deal with the issue reported.

5. Follow-up action

- 5.1 It remains the responsibility of the management committee to deal with the event that resulted in the notification of a Notifiable Event – this notification does not transfer responsibility for ongoing action to the Regulator.
- 5.2 The Regulator will need to be satisfied that SVHA has an effective strategy in place to deal with the event, and protect the interests of the organisation. It may ask SVHA to obtain specialist advice, or to make clear what it expects SVHA to do to allay any concerns. The Director will report to every SVHA management committee meeting on action being taken in this respect, until it is clear that the matter has been fully dealt with.

6. Matters affecting the Chief Officer

- 6.1 As soon as it is clear that the Director intends to leave the association, it is the responsibility of the Chair to inform the Regulation Manager immediately, following which an options appraisal may be required to be conducted. The management committee should refer to the business plan to decide its next steps following the departure of the Director.
- 6.2 If there is a serious grievance or complaint made against the Director, SVHA must follow the regulatory guidance set out in Appendix 3 of the Notifiable Events guidance in dealing with such a situation, and the Chair must notify SHR accordingly.
- 6.3 If the Director is absent for any extended period of time, SHR should be advised, including such appropriate management arrangements that are proposed to be put in place to cover the period of absence.

7. Review

- 7.1 This protocol was first approved in August 2019. It will be reviewed no later than August 2022. Any changes must be approved by the management committee.