



Putting People 1st

## Notifiable Events Protocol

Ref: G.15

Reviewed

30 June 2022

Date next due for review:

June 2025

This policy document can be produced in various formats, for instance, in larger print or audio-format; and it can also be translated into other languages, as appropriate.

Our equality and diversity policy statement describes our key equality commitments that we use to develop all organisational services; this includes employment services and services to tenants and other customers.

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The Scottish Housing Regulator Reg. No: HAC231; Registered Scottish Charity No: SC038237; FCA Reg. No: 2375R(S); Property Factor Reg. No: PF000151

# 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 Pineview Housing Association (PHA) into disrepute, that significantly threaten the stability, efficient running or viability of the organisation, or which would raise public or stakeholder concern about PHA or the social rented housing sector as a whole. PHA 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 put at risk:
- The interests or safety of tenants, people who are homeless and other service users;
  - The financial health of the organisation, public investment or the confidence of private lenders;
  - The good governance and reputation of an individual Registered Social landlord or the Registered Social Landlord sector.

The Regulator has issued statutory 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, PHA’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. Pineview HA is **not** an Organisation of systemic importance.

## 2. Maintaining awareness of the requirements of Notifiable Events guidance

- 2.1 PHA’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 ensure compliance with these requirements fully and promptly.
- 2.2 The Director is responsible for immediately advising the 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 staff 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 PHA must remain vigilant about identifying actual or potential Notifiable Events, and raising this with the Chair of PHA 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 will report notifiable events (or the absence of any) to PHA's management committee at each standard Management Committee meeting. If PHA should fail to notify the Regulator about a significant event, and this subsequently comes to light, SHR will re-assess PHA's risk profile, and may take the appropriate regulatory action.

### **4. Process for notification**

- 4.1 All notifications should be submitted in writing via the Social 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. 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 written confirmation.
- 4.3 Copies of all notifications will be provided to the next following meeting of the PHA 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 PHA has an effective strategy in place to deal with the event and protect the interests of the organisation. It may ask PHA to obtain specialist advice, or to make clear what it expects PHA to do to allay any concerns. The Director will report to every PHA 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 Director**

- 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 SHR by the notifiable event process., The management committee should refer to the business plan to decide its next steps following notification of the intended departure of the Director.
- 6.2 If there is a serious grievance or complaint made against the Director, PHA must follow its Policy on this matter in dealing with such a situation, and the Chair must notify SHR accordingly. PHA have produced a separate policy and procedure on handling complaints against the Director (Chief Officer) for this purpose.
- 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. **Annual Assurance Statement**

- 7.1 The Association will produce an Annual Assurance Statement to the Scottish Housing Regulator (SHR). This statement should be issued to SHR by October each year.
- 7.2 The Association will inform the SHR if there is a significant material changes (negative or positive) that would affect our assessment and this will be undertaken via the portal as a notifiable event and reported as outlined in section 3.2 of this policy.

## 8. **Review**

- 8.1 This protocol was approved in April 2019 and reviewed in June 2022. It will be reviewed every 3 years or sooner if required. Any changes must be approved by the management committee.