



Notifiable Events Policy

Atrium Homes

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Compliant with Scottish Housing Regulator's Regulatory Framework:	Regulatory Standard 2.5 Guidance issued by SHR in February 2019 and updated in February 2024
Compliant with Tenant Participation Strategy:	N/A
Compliant with Equal Opportunities:	Yes
Compliant with Business Plan:	N/A
Date Approved:	September 2022
Date Reviewed:	August 2024
Date for Next Review:	August 2027 or earlier if SHR issues updated guidance
Responsible Officer:	Chief Executive

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1. Introduction and purpose

- 1.1. This policy sets out the events that Atrium Homes (Atrium)) should tell the Scottish Housing Regulator (the Regulator) about. The Regulator's guidance, dated February 2019 and updated in February 2024, explains why the Regulator has a regulatory interest in us, what they expect Atrium 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 Atrium, public investment in it, or the confidence of private lenders; or
 - The good governance and reputation of Atrium or the social rented sector.
- 1.2. The Housing (Scotland) Act 2010 (the 2010 Act) also requires that we notify the Regulator about certain disposals of land and assets, and constitutional and organisational changes. This is covered in this policy.
- 1.3. The guidance on notifiable events is statutory guidance for us to meet in relation to the requirements of chapter 3 of the Regulatory framework and obligations under the 2010 Act. Atrium should not assume that notifying the Regulator about various events necessarily means that we have performance issues.
- 1.4. The Regulator's approach to regulation is risk-based and proportionate. This means that they will gather only information that they need to regulate effectively. This also means they need us to alert them to certain events as quickly as possible. We must comply with the regulator's wider statutory duties including those set out in the 2010 Act.
- 1.5. Standard 2.5 of the Standards of Governance and Financial Management requires us to inform the Regulator about any significant events. This policy sets out what type of events we must tell them about so that we can be clear about what the Regulator needs to know.

2. What are notifiable events?

- 2.1. Atrium 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 Atrium should immediately contact the Regulator about. They are illustrative rather than exhaustive. As a general guideline, notifiable events are those that may:
- seriously affect the interest and safety of tenants, people who are homeless or other services users;
 - threaten the stability, efficient running or viability of service delivery arrangements;
 - put at risk the good governance and financial health of Atrium; or
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- bring, or risk bringing, Atrium into disrepute or raise public or stakeholder concern about Atrium or the social rented sector.
- 2.3. What is 'material', 'significant' or 'exceptional' will depend on the nature of the event and Atrium's own circumstances. Whether an event is 'material' or 'significant' may depend on factors such as Atrium's size or complexity ; so Atrium should consider the risk and potential impact on our organisation when deciding whether an issue is a notifiable event.
- 2.4. If we are unsure whether an event is a notifiable event, we will take further guidance directly from the Regulator. If in doubt, the Regulator recommends that we notify them.
- 2.5. Appendix 1 sets out examples of the type of events we need to 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 landlords to notify them about
- 2.6. As Atrium is part of a group, we are required to notify the Regulator if we are exercising constitutional powers to 'step-in' to deal with serious problems in our subsidiary.
- 2.7. Atrium will 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. We must notify the Regulator of any material changes to the assurances or supplementary information reported in our Annual Assurance Statement.
- 2.8. We are also required to notify the Regulator about the outcome of tenant consultation of a ballot or written agreement, certain disposals of land, assets or leases, constitutional and organisational changes and the timescales for notification as per the Regulator's notifiable event guidance – see Appendix 2.

3. Who should notify the Regulator?

- 3.1. Our senior officer, the Chief Executive, 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 the Board should tell the Regulator about the notifiable event if there is a conflict of interest for the senior officer, for instance if our senior officer has left or if there are concerns about our senior officer or our governing body. The Chair must tell the Regulator about any changes relating to the Annual Assurance Statement.
- 3.3. Any staff member who is authorised by Atrium (our Executive Management Team) to do so can notify the Regulator in relation to the disposals and changes set out in Appendix 2.

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- 3.4. The Board is accountable and responsible for the effective management of the organisation, so should be aware of all notifiable events, even those which the senior officer is responsible for reporting to the Regulator.
- 3.5. 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 a lender.
- 3.6. Where this affects our subsidiary, Atrium as the parent will notify the Regulator and tell them what it is doing to ensure that it is resolved. We will check the Regulator's Group Structures guidance for further information.

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

- 4.1. Atrium should 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. They need to know:
 - 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 Atrium is ensuring we meet our 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 Regulator's statutory guidance on Tenant Consultation and Approval which explains the regulator's information requirements.
- 4.3. For notifiable events about disposals, and constitutional or organisational changes, we will comply with Regulatory Standard 7 for details of the change.
- 4.4. When the Regulator receives the notifiable event through the portal, they will aim to respond within eight working days.
- 4.5. Where we may be unsure whether an event should be reported under notifiable events guidance if it relates to an issue already noted in an engagement plan, we will seek further advice from the Regulator. This is reviewed annually by the Regulator.

5. When should we notify the Regulator?

- 5.1. Atrium will alert the Regulator to a notifiable event as soon as is reasonably practical. Sometimes this will mean alerting them before an anticipated event happens so that they are aware in advance. There should be no delay, for instance, until after a scheduled Board meeting. 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 we are considering a disposal or organisational

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change which requires us to consult tenants under the 2010 Act, we will notify the Regulator at an early stage of deliberations.

- 5.2. Where we have told the Regulator in our Assurance Statement that we are meeting the Standards of Governance and Financial Management, and they find we are not, and we have not notified them of this, the Regulator will engage with us to determine the significance of the non-compliance. It is a serious matter if we have failed to tell the Regulator about a material or significant event or issue, or we have delayed notifying them of it and it will be treated as such.
- 5.3. The Regulator will engage directly with us to determine any action they may need to take. Where our regulatory status is shown as 'compliant', the Regulator may amend this to indicate that it is 'under review' if the issue is sufficiently serious as to impact on our compliance with regulatory requirements or the Regulatory Standards of Governance and Financial Management. Sections 6 and 7 of the Regulatory Framework provide an explanation of how they will respond to serious concerns.
- 5.4. The Regulator may look at whether we have notified them in accordance with this guidance as part of work to verify its Annual Assurance Statement, or during a visit or other engagement activity.
- 5.5. Further information on timescales for notifications of disposals and constitutional changes are in Appendix 2.

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

- 6.1. Atrium is responsible for managing its own organisation and for dealing with the events that occur. Requiring us to tell the Regulator about certain events does not transfer that responsibility to the Regulator. Atrium is expected to have an effective strategy in place to deal with the event and needs to satisfy the Regulator that the action we take will protect the interests of our tenants and other service users.
- 6.2. The Regulator's approach to regulation is intended to be risk-based and proportionate. This means that they will only gather information that they need to regulate effectively. The Regulator uses the information submitted through notifiable events to inform their regulatory strategy and as part of their annual risk assessment process. Often, it is enough that the Regulator knows about an event and has assurance that Atrium is handling the associated risks appropriately.
- 6.3. If the Regulator needs more assurance about how we propose to deal with an event, they will engage with us.
- 6.4. The Regulator may inform, or ask us to inform, another regulator or authority if that is appropriate. They may also ask us to get professional or impartial advice, for instance, legal, financial, or employment advice. Depending on the nature of the event, Atrium will consider whether there are any matters that we need to report to the police. The Regulator will also report matters to the police if we suspect that an offence may have been committed.
- 6.5. Where the Regulator receives all of the relevant information and is assured by the actions taken by Atrium, it will action and close the event more quickly. This will vary on a case

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by case basis depending on factors such as the size or complexity of of Atrium or other ongoing regulatory engagement.

- 6.6. If Atrium gives the Regulator information in confidence, it will respect that confidentiality, provided it does not compromise its ability to safeguard the interests of our tenants or the sector, or breach any legal obligations, for example, under the Data Protection Act and General Data Protection Regulation (GDPR), or where the Regulator is concerned that an offence may have been committed.

7. Atrium Homes' internal policies and procedures

- 7.1. Our internal policies and procedures should reflect the requirement to alert the Regulator to notifiable events in accordance with its guidance. No matter how we choose to reflect notifiable events within our policies and procedures, senior staff and Board members must understand the notifiable events requirement and assure themselves, and the Regulator, that we are complying with this through our Annual Assurance Statement.
- 7.2. If a staff member, or Board member is aware of a notifiable event which has not been submitted to the Regulator, they should report it within the organisation through our Whistleblowing Policy. If this is not possible, or the attempt to report internally has been unsuccessful, they can whistleblow to the Regulator directly.

8. Links to other guidance

- 8.1. Tenant consultation and approval: see the Regulator's separate statutory guidance on tenant consultation and approval for proposals to sell or transfer tenanted homes, which require us to consult tenants under the 2010 Act.
- 8.2. Whistleblowing: The Regulator has produced separate advisory guidance and a fact sheet about how we should deal with Whistleblowing. Whistleblowing is when someone within Atrium believes that there has been improper conduct in our organisation and reports this to someone within Atrium who is in a position to deal with it, for example the Chief Executive or an Executive Management Team member. If there has been whistleblowing within Atrium, we will notify the Regulator about the allegations and tell them about how we are responding to the issues.
- 8.3. Section 72: The Regulator has issued statutory guidance on Section 72 of 2010 Act. This places a duty on external auditors and reporting accountants to disclose events of material significance to the Regulator. 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 in the event that we are considering a change to our group structure.
- 8.5. Annual Assurance Statement: The Regulator has issued statutory guidance on how to prepare our Annual Assurance Statement. This includes guidance on how to report any

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material and significant non-compliance with the Standards of Governance and Financial Management, and regulatory requirements.

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Examples of Notifiable Events

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, 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

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 (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:

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- o where there has been a service failure by the RSL; or
- o where there has been a failure, or perceived failure, in how the RSL has assessed and managed risk; or
- o 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 the social rent 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 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

Additional issues that systemically important RSLs are required to notify the Regulator about:

- Any change in senior staff

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- 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. If we are unsure whether an event is a notifiable event, we will contact our Regulation Manager to discuss and give advice if needed. If in doubt, notify the Regulator.

Other notifications

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

Tenant consultation

The 2010 Act requires RSLs to notify the Regulator of the results of tenant consultation, such as the outcome of a ballot or written agreement. Their 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 RSLs 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 an SST will become the tenant of another landlord as a result of the disposal, the RSL must notify the Regulator within 28 days.

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

RSLs 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 dwellings
- 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

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RSLs do not need to notify the Regulator of disposals which do not fall into the categories above. If we are unsure whether notification applies, we will contact the Regulator for further advice. If in doubt, the Regulator recommends that we notify it.

As part of its notification about disposals by way of sale or transfer the RSL 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 RSL 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

RSLs 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 RSL 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.

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For organisational changes the RSL 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 - RSLs must notify the Regulator where a notice of a proposal of a resolution for the winding up of an RSL is given to members of the RSL entitled to vote on it (s73 of the 2010 Act).

An RSL 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 an RSL
- applying for an administrative order in respect of an RSL which is a registered company
- appointing an administrator in respect of an RSL which is a registered company.

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

Type of disposal/ change (and section of the 2010 Act)	Timescale for notification
The outcome of tenant consultation (s115, s98, s99, s102)	As soon as reasonably practicable. We consider 'as soon as reasonably practicable' to be within 10 working days.
Change of name, office or constitution (s92)	Within 28 days of when the amendment is made.
Special resolution passed by a society for restructuring (s97)	As soon as reasonably practicable after sending a copy of the special resolution to the Financial Conduct Authority. Where s96A applies (where a tenant of the RSL will cease to be a tenant of that RSL) SHR must be notified within 28 days of the special resolution being sent to the Financial Conduct Authority.

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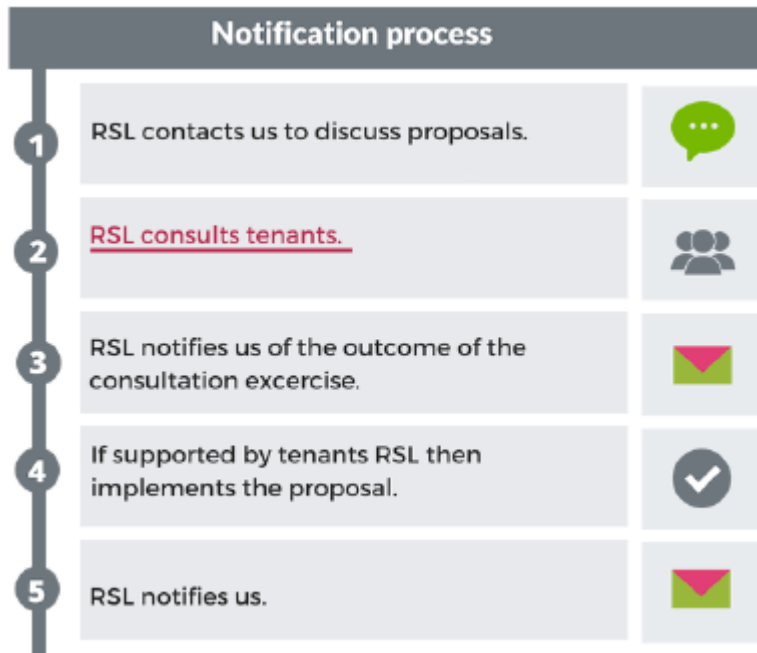
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Type of disposal/ change (and section of the 2010 Act)	Timescale for notification
Voluntary winding up of society (s98)	As soon as reasonably practicable after sending a copy of the resolution to the Financial Conduct Authority.
Dissolution of society (s99)	As soon as reasonably practicable after sending the instrument of dissolution to the Financial Conduct Authority.
Restructuring of a company (s101)	<p>As soon as reasonably practicable after the court order is made.</p> <p>Where s100A applies (where a tenant of the RSL will cease to be a tenant of that RSL) SHR must be notified within 28 days of the court order being made.</p>
Conversion of a company into a registered society (s102)	As soon as reasonably practicable after sending the resolution to the registrar of companies.
Company voluntary arrangement under Part 1 of the Insolvency Act 1986 (s103)	As soon as reasonably practicable after the voluntary arrangement takes effect.
Voluntary winding up of a company under the Insolvency Act 1986 (s104)	As soon as reasonably practicable after sending the copy resolution to the registrar of companies.
Becoming a subsidiary of another body (s104A)	As soon as reasonably practicable after the arrangement takes effect, and no later than 28 days after it takes effect.
Disposals of land and assets (s109)	<p>As soon as reasonably practicable (except where SHR has determined that notification is not required - see above)</p> <p>Where s107(4) applies (where a tenant of the RSL will cease to be a tenant of that RSL) SHR must be notified within 28 days of the disposal</p>
Notification of steps towards insolvency (s73)	Before taking the step and as soon as reasonably practicable after such step is taken.

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Handling a serious complaint against the Director/Chief Executive of an RSL (SHR guidance)

Purpose

1. This note sets out what a governing body should do when dealing with a serious complaint or grievance against the senior member of staff (Director/Chief Executive) of the RSL.
2. We require an RSL to tell us when there is a **serious** complaint, investigation or disciplinary action relating to senior staff. 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. Our experience of these cases has shown us that if the governing body does not have a clear process to deal with matters like this then it can get into difficulties and the original issue can be made worse by the complaint being handled inappropriately. This note sets out what RSLs should do to ensure they comply with regulatory standards in dealing with this type of situation.

Notify SHR

3. RSLs should deal with and resolve minor issues at a local level, and we do not expect to be notified about those.
4. The Chair of the RSL should notify us if there is a formal **serious** complaint against the Director/Chief Executive, for example serious allegations from an individual employee of bullying or harassment by the Director/Chief Executive. The Chair should also tell us how the governing body intends to handle the complaint.
5. We recognise the highly sensitive nature of such serious complaints. If RSLs give us information in confidence we will respect that confidentiality, provided it does not compromise our ability to safeguard the overall interests of the RSL or the sector, or breach a legal obligation to disclose that information.
6. Employment issues are for the governing body as an employer to resolve with the individual employee. But we do need to be assured that the governing body will handle a serious complaint or grievance about its Director/Chief Executive in a manner that is compliant with regulatory standards and will get appropriate advice and support to help it manage these situations and discharge its employment responsibilities fully and properly.
7. RSLs should have effective governance systems that set out clear procedures for dealing with serious complaints or grievances about the Director/Chief Executive and the role of the governing body in those procedures. RSLs should be open and transparent about their decision-making processes for handling such matters.
8. When dealing with a serious complaint or grievance about a Director/Chief Executive, the RSL should:
 - tell us about it, in accordance with our guidance on notifiable events; and
 - take prompt, independent and professional advice as appropriate to the individual complaint or grievance.

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Take prompt, independent and professional advice

9. We need to be assured by the governing body that it is seeking independent professional advice to support it to handle the complaint. In normal circumstances it is the Director/Chief Executive who provides advice to the governing body. But where it is the Director/Chief Executive who is the subject of the serious complaint or grievance, they have a clear conflict of interest and cannot be involved in any way in managing the complaint made against them. In cases like this the governing body should obtain appropriate advice and support to manage the complaint.
10. The governing body needs to act quickly when a staff member raises a serious grievance about the Director/Chief Executive. For instance, if the grievance is about bullying or aggressive behaviour then the 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 RSL may need to get an employment/personnel specialist to assist or a consultant with expertise in investigating such matters. The RSL must ensure that its investigation of the complaint, and any subsequent action, complies with its legal duties, including in those in relation to equalities and human rights.
11. Where a serious complaint has been made against the Director/Chief Executive by a governing body member or someone else who is not an employee, then the governing body should ensure that it is taking independent advice about how to handle the complaint and that the Director/Chief Executive takes no part in any investigation other than co-operating with the investigator.

Have clear procedures

12. An RSL should have clear procedures setting out how it will investigate serious complaints or grievances against the Director/Chief Executive. RSLs should apply good practice in dealing with the grievance and to meet our requirements as set out in this note.

The governing body's role

13. Most RSLs have a standing sub-committee, such as a staffing sub-committee, with delegated authority to deal with human resources matters or consider serious staff complaints. In the case of a serious complaint against the Director/Chief Executive, the staffing sub-committee should be informed and involved, rather than the Chairperson dealing with the complaint alone. The staffing 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 RSL's affairs
 - the details of the grievance remain confidential (the individuals at the centre of allegations have the right to confidentiality)

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- the full governing body knows the grievance is being dealt with, for example, by the staffing sub-committee
- if the RSL 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
- 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.

SHR involvement

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