

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: **Notifiable Events**

Date: **28 August 2024**

Lead Officer: **Chief Executive**

Review Date: **August 2027**

Regulatory Requirement: Comply with, and submit information to the Scottish Housing Regulator (SHR) in accordance with the SHR's guidance on notifiable events.

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.

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1. Introduction and purpose

- 1.1 This policy is based on statutory guidance issued by the Scottish Housing Regulator¹ (the SHR) and it sets out the events that Clydesdale Housing Association (CHA) must tell the SHR about. It explains why the SHR have a regulatory interest in these events, what they require CHA to notify them about, and what they will do with the information we provide. The SHR are 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 CHA, public investment in CHA, or the confidence of private lenders; or
 - the good governance and reputation of CHA or the Registered Social Landlord (RSL) sector.
- 1.2 The Housing (Scotland) Act 2010 also requires that CHA notify the SHR about certain disposals of land and assets, and constitutional and organisational changes.
- 1.3 CHA will not assume that notifying the SHR about various events necessarily means that CHA has performance issues. In complying with the SHR's statutory guidance CHA will meet the regulatory requirements in chapter 3 of the Regulatory Framework and its obligations under the 2010 Act.
- 1.4 CHA recognises that the SHR's approach to regulation is risk-based and proportionate in that the SHR will only gather information that it needs to regulate effectively. To this end CHA will tell the SHR about certain events as quickly as possible. CHA will comply with its wider statutory duties including those duties which are set out in the 2010 Act.
- 1.5 Standard 2.5 of the Standards of Governance and Financial Management requires CHA to inform the SHR about any significant events. This policy sets out what type of events CHA must tell the SHR about.

2. What are notifiable events?

- 2.1 CHA must tell the SHR about any material, significant or exceptional issue, event, or change within the 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 CHA must contact the SHR about. The lists 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;
 - threaten the stability, efficient running or viability of service delivery arrangements.
 - put at risk the good governance and financial health of CHA.
 - bring, or risk bringing, CHA into disrepute, or raise public or stakeholder concern

¹ Notifiable Events Statutory Guidance (Scottish Housing Regulator, 2024) available at: <https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/notifiable-events/>

about CHA or the social housing sector.

- 2.3 The SHR recognises that what is 'material', 'significant' or "exceptional" will depend on the nature of the event and the particular RSL. Whether an event is 'material' or 'significant' may depend on factors such as the size or complexity of CHA's operation; so CHA will consider the risk and potential impact on the organisation when deciding whether an issue is a notifiable event.
- 2.4 We acknowledge that the SHR want to ensure that RSLs bring only the most critical issues to its attention. CHA will contact the SHR for further advice where we are unsure if something needs to be reported.
- 2.5 Appendix 1 sets out examples of the type of events CHA need to alert the SHR to including:
 - governance and organisational issues.
 - performance and service delivery issues.
 - financial and funding issues.
- 2.6 Where CHA forms a group structure, we must also notify the SHR where we exercise constitutional powers to 'step-in' to deal with serious problems in a subsidiary RSL.
- 2.7 CHA 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. CHA must notify the SHR of any material changes to the assurances or supplementary information reported in our Annual Assurance Statement.
- 2.8 Appendix 2 explains when CHA need to 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 SHR?

- 3.1 The Chief Executive will tell the SHR about a notifiable event which relates to governance and organisational issues, performance and service delivery concerns or financial and funding issues.
- 3.2 The Chairperson will tell the SHR about a notifiable event if there is a conflict of interest for the Chief Executive, for instance if the Chief Executive has left or if there are concerns about the Chief Executive or the Management Committee. The Chairperson must also tell the SHR about any changes relating to the Annual Assurance Statement.
- 3.3 Any staff member who is authorised under our Scheme of Delegated Authority can notify the SHR in relation to the disposals and changes set out in Appendix 2.
- 3.4 The Management Committee of CHA is accountable and responsible for the effective management of the organisation. We will therefore ensure that the Management Committee will be aware of all notifiable events, even those which the Chief Executive is responsible for reporting. All Management Committee meetings will include a standing 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.

- 3.5 In some cases CHA 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 the issue affects a subsidiary of CHA, we as the parent organisation will notify the SHR.

4. What information the SHR needs and how it is submitted

- 4.1 CHA will submit a notifiable event through the SHR's Landlord Portal ('the portal'). The portal includes a template to be completed which sets out the type of information the SHR need about each event. The SHR 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 CHA is ensuring it meets its legal duties in these areas;
 - what CHA is planning to do or what action it has already taken; and
 - when the Management Committee was informed/will be informed.
- 4.2 For notification of tenant consultation, CHA will refer to the SHR's statutory guidance on Tenant Consultation and Approval which explains the SHR's information requirements.
- 4.3 For notification of disposals, and constitutional or organisational changes, CHA will include details of the change and confirm that we have complied with Regulatory Standard 7.
- 4.4 When the SHR receive the notifiable event through the portal they will aim to respond within eight working days.
- 4.5 Where CHA is unsure whether an event should be reported under the notifiable events guidance if it relates to an issue already noted in our Engagement Plan, we will call the lead officer at the SHR noted in the Plan for advice.

5. When should we notify the SHR

- 5.1 CHA will alert the SHR 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 Management Committee meeting. Where a major incident occurs, we will alert the SHR as soon as possible and not wait until the event has been concluded. In particular when CHA is considering a disposal or organisational change which requires it to consult tenants under the 2010 Act, we will notify the SHR at an early stage in our deliberations.
- 5.2 CHA 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 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 CHA acknowledges that the SHR will engage directly with us to determine any action it may need to take. Where our regulatory status is shown as 'compliant', the SHR may have to review this if the issue is sufficiently serious as to impact on CHA's compliance with regulatory requirements or the Regulatory Standards of Governance and Financial Management.
- 5.4 The SHR 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 Further information on the SHR's timescales for notifications of disposals and constitutional changes is provided in Appendix 2.

6. What the SHR will do with the information we provide

- 6.1 The SHR's approach to regulation is risk-based and proportionate. This means that they will only gather information that they need to regulate effectively. The SHR uses the information submitted through notifiable events to inform its 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 the SHR knows about the event and have assurance that the CHA is handling any associated risks appropriately. The SHR may ask for further information more assurance is required.
- 6.2 The SHR may inform, or ask CHA to inform, another regulator or authority if that is appropriate. The SHR may also ask CHA to get professional or impartial advice, for instance, legal, financial, or employment advice. Depending on the nature of the event, CHA will consider whether there are any matters that we need to report to the police. The SHR will also report matters to the police if they suspect that an offence may have been committed.
- 6.3 Where the SHR has all of the relevant information and are assured by the actions taken by CHA, they 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 CHA or other ongoing regulatory engagement.
- 6.4 CHA is responsible for managing its own affairs and for dealing with the events that occur. Requiring CHA to tell the SHR about certain events does not transfer that responsibility for dealing with the implications of the event to the SHR. CHA will ensure that it has an effective strategy in place to deal with the event, and will assure the SHR that the action we have taken, or intend to take, will protect the interests of our tenants and other service users.
- 6.5 The Statutory Guidance states that the SHR will respect confidentiality where information has been provided in confidence, provided it does not compromise their ability to safeguard the interests of CHA's tenants or the sector, or breach the SHR's 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 Our other relevant policies and procedures will reflect the requirement to alert the SHR to notifiable events in accordance with this policy. Our senior staff and Management Committee members understand the notifiable events requirement and assure themselves, and the SHR, that CHA is complying with this through our Annual Assurance Statement.
- 7.2 If a CHA staff member, or Management Committee member is aware of a notifiable event which has not been submitted to the SHR, they should report this within CHA through our whistleblowing policy. If that is not possible, or the attempt to report internally has been unsuccessful, they can whistleblow to the SHR.

8. Policy review

- 8.1 This policy will be reviewed in at least every three years. An earlier review will be conducted where required on the instruction of the Management Committee.

9. Links to other guidance

- 9.1 **[Tenant consultation and approval](#)**: The SHR 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.
- 9.2 **[Whistleblowing](#)**: The SHR has produced separate advisory guidance and a fact sheet about how RSLs should deal with whistleblowing. Whistleblowing is when someone within the RSL believes that there has been improper conduct in the organisation and reports it to someone within the RSL who is in a position to deal with it. If there has been whistleblowing within the RSL, the RSL should notify the SHR about the allegations and about how it is responding to them.
- 9.3 **[Section 72](#)**: SHR has issued statutory guidance on Section 72 of the 2010 Act. This places a duty on external auditors and reporting accountants to disclose events of material significance to the SHR. If an RSL is aware that an auditor has reported an issue to us under Section 72, it does not need to report this issue as a notifiable event. This is because the SHR will ask for any additional information from the RSL should it be required.
- 9.4 **[Group Structures](#)**: SHR 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.
- 9.5 **[Annual Assurance Statement](#)**: SHR 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.

Appendix 1 - 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 CHA 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 CHA; or
 - where there has been a failure, or perceived failure, in how CHA has assessed and managed risk; or
 - which could potentially affect other tenants' confidence in CHA or our reputation
- Major failure of key service delivery arrangements (for example, repairs)

- cannot be carried out because a contractor goes into liquidation)
- Breaches of ballot commitment to tenants or of any stock transfer contractual agreement
- Adverse reports by statutory agencies, regulators, inspectorates (or similar) about CHA (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 CHA'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 CHA or that is damaging to our reputation.

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 CHA 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 RSLs with significant care elements in their business, where a local authority withdraws funding).
- Change of internal or external auditor.

Additional issues that we require systemically important RSLs to notify us 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

Please note: This list is illustrative not exhaustive. Where we are unsure whether an event is a notifiable event, we will contact CHA's Regulation Manager for further guidance.

Appendix 2 – Other notifications

The Housing (Scotland) Act 2010 (the Act), as amended by the Housing (Amendment) Act 2018, requires CHA to notify the SHR of certain disposals, constitutional and organisational changes.

Tenant consultation

The 2010 Act requires CHA to notify the SHR of the results of tenant consultation, such as the outcome of a ballot or written agreement. The SHR's statutory guidance Tenant consultation and approval sets out its requirements in relation to notification about tenant consultation.

Disposal of land and assets

The 2010 Act requires CHA to notify the SHR of any disposal of land or other assets as soon as reasonably practicable after the disposal is made. Where a tenant who has an Scottish Secure Tenancy will become the tenant of another landlord as a result of the disposal, CHA must notify the SHR within 28 days.

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

CHA must notify the SHR of:

- disposals by way of sale of tenanted social housing dwellings (and ensure that they comply with CHA's 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 (e.g. solar panels) or telecommunications (e.g. aerials) (and ensure that they comply with CHA's legal obligations to consult tenants under s110 of the 2010 Act); and
- 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.

CHA does not need to notify the SHR of disposals which do not fall into the categories above. If CHA is unsure whether notification applies, we will contact the SHR for further advice.

As part of its notification about disposals by way of sale or transfer we will provide the SHR with:

- a copy of the report to the Management Committee 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 CHA will provide the SHR 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

CHA must notify the SHR in relation to the following constitutional and organisational changes:

- change of name, office or constitution (s92 of the Act);
- 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 CHA will provide the following to the SHR:

- 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 CHA will provide the following to the SHR:

- 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

CHA must notify the SHR where a notice of a proposal of a resolution for the winding up

of CHA is given to members entitled to vote on it (s73 of the 2010 Act).

CHA will also be required to notify the SHR 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 a 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 are set out in the 2010 Act and summarised below. CHA will ensure that we 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. Usually 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 CHA will cease to be a tenant of CHA) SHR must be notified within 28 days of the special resolution being sent to the Financial Conduct Authority.
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)	As soon as reasonably practicable after the court order is made. Where s100A applies (where a tenant of CHA will cease to be a tenant of CHA) SHR must be notified within 28 days of the court order being made.
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.
Disposals of land and assets (s109)	As soon as reasonable practicable (except where SHR has determined that notification is not required - see above) Where s107(4) applies (where a tenant of CHA will cease to be a tenant of CHA) SHR must be notified within 28 days of the disposal.
Notification of steps towards insolvency (s73)	Before taking the step and as soon as reasonably practicable after such step is taken.

Notification process

1. CHA contacts SHR to discuss proposals.
2. CHA consults tenants.
3. CHA notifies SHR of the outcome of the consultation exercise.
4. If supported by tenants CHA then implements the proposal.
5. CHA notifies SHR

Appendix 3 - Handling a serious complaint against the Chief Executive

Purpose

- 1 This note sets out what a Management Committee must do when dealing with a serious complaint or grievance against the Chief Executive.
- 2 The SHR requires that CHA tell them 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 CHA. This note sets out what CHA need to do to ensure they can deal properly with this type of situation.

Notify SHR

- 3 CHA should deal with and resolve minor issues informally, at a local level, and the SHR does not expect to be notified about minor grievances.
- 4 The Chairperson of CHA must notify the SHR 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 must also tell the SHR how the Management Committee intends to handle the complaint.
- 5 The SHR recognises the highly sensitive nature of such serious complaints. If CHA give the SHR information in confidence they will respect that confidentiality, provided it does not compromise the SHR's ability to safeguard the overall interests of CHA or the sector, or breach the SHR's legal obligations.
- 6 Employment issues are for the Management Committee as an employer to resolve with the individual employee. But the SHR will need to be assured that the Management Committee will handle a serious complaint or grievance about its 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 CHA has effective governance systems that set out clear procedures for dealing with serious complaints or grievances about the Chief Executive and the role of the Management Committee (see Employers in Voluntary Housing Disciplinary and Grievance Procedures). CHA will be open and transparent about decisions reached, subject to relevant procedures.
- 8 When dealing with a serious complaint or grievance about the Chief Executive, CHA will:
 - tell the SHR about it, in accordance this policy and the SHR's 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 SHR needs assurance from the Management Committee that it is seeking independent professional advice to support it to handle the complaint. In normal circumstances it is the Chief Executive who provides advice to the Management Committee. But where it is the Chief Executive who is the subject of the serious complaint or grievance, he/she has a clear conflict of interest and cannot be involved in any way in managing the complaint made against him/her. In cases like this the Management Committee must obtain external advice and support to manage the complaint.
- 10 The Management Committee 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 the Management Committee must take immediate action. Given the likely sensitive nature of the grievance it should be handled carefully with independent, expert support and advice. CHA may need to get an employment/personnel specialist to assist or a consultant with expertise in investigating such matters. CHA will 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 Chief Executive by a Management Committee member or someone else who is not an employee, then the Management Committee must ensure that it is 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.
- 12 Initial independent advice should be sought from either or both 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:
Lauren Little, Partner
0141 221 5562
mee@tcyoung.co.uk

or alternative employment law solicitor
 - Employers in Voluntary Housing:
Paul McMahon, Director
0141 352 7432
paul@evh.org.uk

Have clear procedures

- 13 This note will be used alongside the Employers in Voluntary Housing Disciplinary and Grievance Procedures when CHA investigates serious complaints or grievances against the Chief Executive. This will ensure compliance with the requirements of the SHR.

The Management Committee's role

- 14 In the case of a serious complaint against the Chief Executive, CHA's staffing sub-committee will be informed and involved, rather than the Chairperson dealing with the complaint alone. The staffing sub-committee will 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 staffing sub-committee. Where there is an investigation then the sub-committee must oversee the investigation and record all decisions to ensure transparency.

- 15 Where the decision is taken to investigate a serious complaint, then the full Management Committee will be informed. However it will not be told any of the detail. This is to ensure:
- the full Management Committee retains control over the CHA's affairs
 - the details of the grievance remain confidential (the individuals at the centre of allegations have the right to confidentiality)
 - the full Management Committee knows the grievance is being dealt with, for example, by the staffing sub-committee
 - if the CHA needs to bring in outside help, then the full Management Committee is aware of the situation from the outset and can authorise any associated costs
 - the Management Committee 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 Management Committee who are untainted by detailed knowledge about the issue.
- 16 At the end of the process, the full Management Committee should be told about the outcome of the grievance.

SHR involvement

- 17 If the SHR have concerns about the action the Management Committee is proposing to take, or it appears that the Chief Executive is involved in advising the Committee or in handling the grievance, then the SHR may need to act to support the Committee to carry out its role in accordance with regulatory standards.