

September 2016

Approved by resolution of the Abbeyfield Australia Board.

## Policy

Abbeyfield Australia commits to fully complying with the obligation placed upon it (as the Registered Community Housing Provider) and all affiliated Abbeyfield local societies, to inform the Registrar of Community Housing NSW of all Notifiable Incidents.

## Notifiable Incidents by Abbeyfield Australia Ltd

As a registered community housing provider Abbeyfield Australia must comply with the conditions of registration set out in NRSCH National Law. One of these conditions is that Abbeyfield Australia must notify the Registrar of certain events that may have an adverse impact on its compliance with community housing legislation.

Section 15 (2) (h) of the National Law requires that Abbeyfield Australia (as a registered community housing provider) must notify the Registrar of Community Housing (NSW) (being Abbeyfield Australia's primary registrar) of any of the following occurrences within the time specified:

- (i) a decision to appoint an voluntary administrator to the provider or a decision to wind-up the provider –as soon as practicable after the decision,
- (ii) the appointment of a receiver to the provider – as soon as practicable after the provider learns of the appointment,
- (iii) a decision to apply for the cancellation of the providers registration - as soon as practicable after the decision and at least 28 days before the application is made,
- (iv) a change in the affairs of the provider that may have an adverse impact on its compliance with the community housing legislation – before or no later than 72 hours after the change,
- (v) Any other occurrence notified in writing to the provider by the primary Registrar – within the time specified in that notice

As a guide, some examples of changes in affairs that may impact on compliance are:

- Significant unplanned turnover and/or loss of senior staff or board members
- significant operational restructure
- corporate mergers, de-mergers or restructure
- plans to change corporate entity type
- new affiliations with other entities or significant change to existing affiliations
- significant system failures, for example unrecoverable data loss
- Legal action against the provider associated with potential financial and/or reputational costs
- Changes to the provider's constitution affecting the wind up clause that was in place and deemed eligible under the National Law when the provider's registration was determined.

Abbeyfield Australia and all affiliated Abbeyfield local societies must also maintain high standards of probity. This includes maintaining the reputation of the community housing sector. Consequently Abbeyfield Australia will notify the Registrar of any incident which

damages or may damage the reputation of the community housing sector. Some general examples are:

- proven serious or repeated breaches of the provider's own code of conduct
- substantiated fraudulent or other criminal behaviour by staff, board members or volunteers
- death or serious injury to a tenant in a community housing property managed by the provider, in circumstances where the standard of community housing services may potentially be seen as a contributing factor.

The decision to report a change in affairs or any other incident as a notifiable incident will be made:

- by resolution of the Abbeyfield Australia Board; or
- by the CEO of Abbeyfield Australia at his / her sole discretion.

Occasionally the decision as to whether a change in affairs or incident satisfies the criteria for a Notifiable Incident may be subjective. On those occasions Abbeyfield Australia will err on the side of greater transparency and more frequent reporting to the Registrar. Abbeyfield Australia accepts that this stance may result in some over reporting to the Registrar.

### **Notifiable Incidents by Affiliated Abbeyfield Societies**

Affiliated Abbeyfield local societies must also comply with the Notifiable Incidents obligations under the NRSCH National Law. In the context of an Abbeyfield House, a Notifiable Incident is any serious event that may:

- compromise the delivery of services of an Abbeyfield House or Abbeyfield Australia
- compromise the good reputation of Abbeyfield and the community housing sector generally
- compromise the good governance of an Abbeyfield House by a Local Society or Abbeyfield Australia
- compromise the viability of the Abbeyfield House
- relate to an accusation of abuse or neglect of an Abbeyfield House resident
- raise public concern about standards of probity at the Abbeyfield House.

If in doubt, local societies should err on reporting a potential Notifiable Incident to Abbeyfield Australia. It is better to report too often, than to overlook an incident that should be reported.

Local Societies should report any potential Notifiable Incident immediately (and within 24 hours) to the CEO of Abbeyfield Australia. The CEO will then:

- discuss the matter with the Local Society to confirm any details
- if appropriate, immediately report to the Registrar of Community Housing.

Local societies should not fear repercussions or sanctions from reporting a potential Notifiable Incident. The intention is to gather the information and continually improve procedures. It is not a punitive process.

The CEO will revise the Abbeyfield House Management Manual to put procedural affect to this policy.