

## ANNEX 1

### Guidance to all Private Registered Providers on Submitting Annual Accounts

January 2021

## 1 THE LEGAL REQUIREMENTS

Every Registered Provider (RP) registered with the Regulator of Social Housing (the Regulator) must:

- submit its annual accounts and auditor's report to the Regulator within six months of the end of the period to which they relate (section 128, Housing and Regeneration Act 2008), OR
- submit its accounts, with an accountant's report, if the exemptions applicable to small companies, Charities and Registered Societies (sections 129, 134 and 135 of the Housing and Regeneration Act 2008) apply.

If it fails to do so, without reasonable excuse, the RP (and every responsible person directly concerned with the conduct and management of its affairs) may be guilty of an offence and may be prosecuted by the Regulator.

The Regulator has no powers to extend the deadline for submission of accounts.

## 2 DOCUMENTS TO BE SUBMITTED

### 2.1 Annual Accounts

Providers may submit either electronic or paper copies of their signed accounts and auditor's report or, where applicable accountant's report.

The Regulator prefers that all accounts (and particularly those from larger RPs) are submitted electronically through the regulation data collection system NROSH+. The accounts can be uploaded under the 'upload regulatory documents' facility (available in 'My NROSH+'). In doing so it is important that you identify the document as *Annual financial statements / accounts*. Alternatively RPs may submit electronic copies of accounts by email to the registry and notification e-mail, [RNTeam@rsh.gov.uk](mailto:RNTeam@rsh.gov.uk).

Providers submitting their accounts by post should send **one paper copy of the signed accounts** to:

**The Registry and Notifications Team, Regulator of Social Housing, Level 1A, City Tower, Piccadilly Plaza, Manchester, M1 4BT**

To help with our administration process, we request an **unbound and unstapled** copy, marked on the front with your social housing **registration number**.

The auditors' report or the accountants report must bear the **auditor's or accountant's signature**.

The balance sheet and, where applicable, income and expenditure statement must be completed in accordance with the relevant legislation for the constitutional structure of the RP and in line with the rules and governing instruments of the RP and must:

- (a) show the **date on which the RP's board or other governing body approved the accounts**
- (b) be signed on behalf of the board or other governing body with **original signatures** (or as described as acceptable above) as follows:
  - (i) in the case of Registered Societies by at least two board members and the **secretary**
  - (ii) in the case of non-charitable companies by one member of the board
  - (iii) in the case of **registered charities** by at least **two** directors or trustees (section 135(4) *Housing and Regeneration Act 2008*).

Trustees or directors should sign **both the balance sheet and revenue account of registered charities'** accounts (section 135(4) *Housing and Regeneration Act 2008*).

**Companies which are also registered charities** must meet the requirements for registered charities

While accounts must have been approved by the board, **there is no need for the accounts to have been received by an Annual General Meeting before they are submitted to the Regulator**. A late AGM is not a reason to delay submitting accounts.

## 2.2 Auditor's Management Letter (for audited accounts only)

Please also submit with the relevant accounts, or as soon as possible afterwards, a copy of your signed **auditor's management letter**. As above these can be submitted through NROSH+, via the registry and notification e-mail or in hard copy.

## 2.3 Accounts are regarded as outstanding until a signed copy has been received and logged by the Registry and Notifications Team.

Only the Registry and Notifications Team can log receipt of accounts on the Regulator's computer system for the statutory submission of accounts. A copy of the latest set of accounts is placed on the Regulator's statutory Public Register. Please take care to submit only relevant information to us. Any supplementary pages provided as part of the accounts submission will not be filtered out by us and will be placed on the Statutory Public Register. Members of the public can access the Statutory Public Register by contacting the Referrals & Regulatory Enquiries Team.

## 3 NON SUBMISSION OF ACCOUNTS

Submission of accurate, complete and timely returns is a fundamental responsibility of providers and a key part of the co-regulatory system. The seriousness with which the regulator regards late or poor quality returns is set

out in the Regulator's *Regulating the Standards* document available on its website. That document sets out that the Regulator may reflect the submission of poor quality or late returns in its regulatory judgements on providers.

In addition, those providers that have failed to submit their accounts in line with their statutory obligations will be publicised by adding them to the list of account non-submitters published on the Regulator's website.

## **QUERIES**

If you have any queries on this guidance please contact our Referrals & Regulatory Enquiries Team at [enquiries@rsh.gov.uk](mailto:enquiries@rsh.gov.uk). Tel: 0300 124 5225