

## Have your voice heard

### Telling us about significant performance failures by your landlord

This leaflet sets out how you can tell the Scottish Housing Regulator about a significant performance failure by your landlord. It explains what we can do and when we might not be able to take action. You should also read our leaflets on 'Making a complaint' and 'Whistleblowing' which are on our website at [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk) before you report a significant performance failure.

### What is a significant performance failure?

A significant performance failure is something that your landlord does or fails to do that puts the interests of its tenants at risk, and your landlord has not resolved the failure. This is something that is a *systemic* problem that does, or could, affect all of your landlord's tenants.

#### A significant performance failure happens when:

- your landlord is not delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- your landlord is not achieving the regulatory standards on governance or financial management.

#### Examples of a significant performance failure could include your landlord:

- consistently not doing repairs when it should;
- not allowing tenants to apply for another house;
- putting tenants' safety at risk because it is not doing gas safety checks when it should;
- not helping tenants to report anti-social behaviour; and
- not reporting its performance in achieving the outcomes and standards in the Scottish Social Housing Charter to its tenants

A complaint between an individual tenant and a landlord is **not** a significant performance failure. If you have such a complaint you should use your landlord's complaints procedure.

### What should you do?

If you think your landlord has a significant performance failure you should:

- raise the issue with your landlord;
- give them time to respond; and
- give them time to fix the failure.

If your landlord does not deal with the failure, or they agree to do something and nothing happens, then you can contact us.



**We want to make this easy for you to tell us about a significant performance failure by your landlord. You can do this by:**

- completing the form on our website at [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk); or
- calling us on 0141 271 3810;
- faxing us on 0141 221 5030; or
- writing to us at: Significant Performance Failures

The Scottish Housing Regulator  
Highlander House  
58 Waterloo Street  
Glasgow G2 7DA

### **What will we do?**

If your landlord does not fix the failure we will use the information you have given us to decide if the problem is a significant performance failure and tell you our decision.

If we assess that it may be a failure, then we will contact your landlord to check how they have responded to you raising it with them. We may use our regulatory powers to investigate the problem further. We will tell you how we will take this forward and what we find.

### **Does the SPSO have any role in significant performance failures?**

The Scottish Public Services Ombudsman deals with complaints between individual tenants and their landlord. If you have taken a complaint to the Ombudsman and he thinks that it may be a significant performance failure that would give us a regulatory concern, he will talk to us. We will then both decide which of us should investigate the issue and we will let you know