



**Scottish Housing  
Regulator**

# **How we regulate**

## **A guide for tenants and service users**

November 2019

## About this guide

This guide for tenants and service users explains how we regulate social landlords in Scotland. It explains who we are and what we do, how we do it, and how to raise a concern about your landlord.

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# 1. Who we are and what we do

## Who we are

We are the independent regulator of social landlords in Scotland. Social landlords are made up of registered social landlords (RSLs) – housing associations and co-operatives – and local authorities (LAs) or councils that provide housing and homelessness services.

## What we do

We regulate to safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless, and people who use housing services provided by RSLs and local authorities.

We regulate social landlords by:

- keeping a register of social landlords and making this available for the public – all landlords on the register need to meet [regulatory requirements](#)
- monitoring, assessing and reporting on how well social landlords are run and how they manage their money – we call this governance and financial health
- taking action, where we need to, to protect the interests of tenants and other service users

We do this in a way that:

- is proportionate, accountable and transparent - this means we are open about how we work and we take responsibility for our decisions
- is targeted – this means we only take action where it is needed
- encourages treating people fairly and promotes equal opportunities law
- is consistent with the [Scottish Regulators' Strategic Code of Practice](#)

# 2. How we regulate

We expect your landlord to meet [regulatory requirements](#). This means it needs to be well-run, financially healthy and deliver good quality homes and services for its tenants and service users.

We do our work in four main ways. We:

- Gather and publish information in ways that you and others can use - this means we let you know how your landlord is doing so that you can speak with your landlord about its performance and hold it to account.
- Get assurance from landlords – this means getting landlords to tell us whether they meet the standards and what they will do to fix this if they don't.
- Take action where we need to – this means we will use our legal powers to act, if we need to, to protect your interests.

- Carry out thematic work to look at specific areas of work – this means we may look into how a landlord is doing in one area that matters to you such as how it delivers its repairs service.

### **How we use information to make decisions:**

Each year, we expect your landlord to send us information about its performance. It also needs to send us an Annual Assurance Statement that says whether or not it meets the regulatory requirements, the standards and outcomes of the Scottish Social Housing Charter, and its legal duties. If your landlord does not meet these requirements and duties, it needs to tell us what it will do to fix this.

We will use all of the information we gather about your landlord to decide if we need to take any action.

We look at:

- the information your landlord sends us about its performance
- the information RSLs send us about how they are run and how they manage their money
- what tenants and other service users say
- any patterns of serious incidents or significant changes at a landlord
- patterns of complaints
- what other scrutiny bodies, such as Audit Scotland, have said

We look at this information to see what it tells us about your landlord. We use this to decide how much we need to get involved with a landlord.

We publish an engagement plan for every social landlord in Scotland. Each plan describes why we're engaging with the landlord, what it needs to do, and the information it needs to send us. From April 2020, the plans will also let you know whether your landlord has told us that it meets the [regulatory requirements](#), the standards and outcomes of the Scottish Social Housing Charter and its legal duties.

If the information tells us that your interests may be at risk or that your landlord is not meeting its requirements and / or duties, we may decide to use our legal powers. You can find out more about our legal powers in section 3 of this guide.

### 3. Our legal powers and how we use them

We can use our legal powers if we need to take action to protect your interests. We can use some or all of these powers. We will only use our powers if we need to, to protect you. And we will only use the powers that we need to use. The powers we can use are below.

#### Our legal powers

- getting information from landlords so that we can assess how they are doing and investigate problems if we need to
- setting standards for RSLs for how they manage their finances and how they are run
- taking action (intervening) where there are problems so that landlords will make improvements they need to make
- saying what landlords must do to be on our register of social landlords

#### How we intervene

If the risk to your interests is serious and / or urgent, we may use our legal powers to intervene. We will only do this if it is the only way to protect you. We can intervene in different ways.

#### For all social landlords (RSLs and local authorities), we can:

- require a performance improvement plan –this means we tell the landlord to tell us what it will do to improve its performance and when it will do it
- serve an enforcement notice – this is a legal notice we send to a landlord to tell them to take action to fix or prevent a problem to make sure your interests are protected
- appoint a manager for housing activities

#### For RSLs, we can:

- appoint someone to an RSL's governing body (its board or management committee)
- appoint a manager for financial or other affairs
- remove or suspend a member of the governing body
- tell an RSL to transfer some or all of its houses to another RSL

#### How you will know if we've intervened

We will tell your landlord to let you know if:

- we have taken action to intervene
- what that means and how it will affect you
- what will happen next and how it will keep you informed

We will also publish an [engagement plan](#) which will explain:

- why we intervened
- what we expect from your landlord
- what will happen next

## 4. How to find out about your landlord

We publish information about your landlord and its performance. We do this so that you can use it to speak to your landlord and hold it to account.

We publish:

- a [register of RSLs](#)
- [landlord reports and comparison tool](#) – these let you find out about and compare your landlord's performance in the areas tenants told us matter most: homes and rents, quality and maintenance of homes, and value for money
- an [engagement plan](#) for every landlord - these say whether your landlord is meeting regulatory requirements, what it needs to do and what information it needs to send to us
- [national reports](#) – these give you information about how social landlords are performing nationally.

## 5. What you can expect from your landlord

The [Scottish Government's Social Housing Charter](#) sets out the standards landlords need to achieve. We monitor and report on landlords' performance in achieving these standards.

We expect your landlord to:

- work towards achieving the standards and outcomes set out in the Scottish Government's [Scottish Social Housing Charter](#)
- tell you how it is performing against the Charter in plain English and give you a way to tell it what you think
- send us performance information each year to show it is achieving the standards and outcomes of the Scottish Social Housing Charter
- be able to show how it has involved tenants in how it gathers and shares information about its Charter performance
- give other groups the opportunity to make their voices heard such as people who are homeless, home-owners who get services from social landlords, and Gypsy/Travellers who use sites provided by social landlords

### Find out how your landlord is doing against the Scottish Social Housing Charter:

- [Landlord reports and comparison tool](#)
- [National Reports on the Scottish Social Housing Charter](#)

## 6. How to complain about your landlord

We expect landlords to make it easy for tenants and other service users to talk to them and get the information they need about the service they provide and decisions they make. Sometimes you might have a problem with a social landlord. You can find out how to complain about your landlord below.

### How to complain about your landlord

We do not have a role in dealing with individual complaints. If you have a complaint about a landlord you should:

- follow your landlord's complaints procedure – this should be available on its website or by contacting them; and
- if the complaints procedure comes to an end and you are unhappy with how it dealt with it you can contact

#### [The Scottish Public Services Ombudsman](#)

4 Melville Street,  
Edinburgh,  
EH3 7NS,  
Tel: 0800 377 7330  
Website: [spsso.org.uk](https://www.spsso.org.uk)

You can find out more about what you can expect from your landlord in section 5 of this guide.

## 7. About significant performance failures

A significant performance failure is something that your landlord does, or fails to do, that puts many or all of its tenants at risk, and it does not take action to put it right.

This could be:

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

If you strongly disagree with what your landlord says about its performance, or you believe that your landlord has not involved you in the way it agreed to, you can report a 'significant performance failure'. Please raise the issue directly with your landlord first and give your landlord the chance to respond. If your landlord does not deal with the issue within its published timescale then you can report it to us by [getting in touch](#).

**If you think a significant performance failure has happened please tell us:**

- the name of the landlord
- what it failed to do
- whether you reported the issue to the landlord and what action it took
- whether you have reported the issue to anyone else such as the [Scottish Public Services Ombudsman](#), [Scottish Charity Regulator](#) or the [Health and Safety Executive](#)
- your name and contact details and whether you represent yourself or a group of tenants – we will use this information to contact you if we need more information and to tell you what we will do.

**What will happen next**

We will write to you to let you know that we have got the information you sent to us. We may ask you or the landlord to send us more information. We will use all of this information to decide if a significant performance failure has happened and what action we need to take to protect the interests of tenants and service users. We will contact you within 5 working days in line with our agreed [timescales](#) to let you know what we will do.

**If you disagree with our decision**

If you are unhappy with our decision, you can ask us to look at it again. Find out [how to request a review of a regulatory decision](#).

## 8. How we involve tenants and other service users

Protecting your interests is at the heart of what we do. So, we want to hear what you've got to say. Hearing about what you think and involving you in our work, helps us get our priorities right.

We hear from you through our work with:

- the [National panel of Tenants and Service Users](#)
- Registered Tenant Organisation liaison group
- Regional Tenant Networks
- tenant representative bodies
- tenant Advisors

**Find out more about how we involve tenants and service users**

- [How we involve tenants and service users in our work](#)



## 9. Equality and human rights

Social landlords must follow the laws about treating all of their tenants and service users fairly and with dignity and respect. We monitor landlords' work to

- achieve the equalities outcome in the Scottish Social Housing Charter and outcomes for Gypsy/Travellers
- meet its legal duties on equalities and human rights
- collect information about the needs of their tenants and service users and how they use this to deliver services that meet these needs

We may also look at some areas in more detail such as how easy it is to access housing and homelessness services.

## 10. How to make a complaint or give feedback about the Scottish Housing Regulator

Anyone can make a complaint or give feedback about our work. If you have a complaint or feedback about how we work, please [get in touch](#).

[Find out more about making a complaint or giving feedback about us](#)



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