



Scottish Housing
Regulator

Complaints & Serious Concerns

Advisory Guidance:
Information for
social landlords

April 2024

Introduction

This factsheet is for social landlords. It explains what we do when a tenant (or tenant representative) approaches us with a serious concern about their landlord.

We have published a [separate factsheet](#) for tenants and tenant groups about reporting a serious concern to us. This also explains the appropriate route for individual complaints.

We require all landlords to display and make copies of our tenant factsheet available in their offices, on their website and to give a copy to all groups representing tenants' interests, including any registered tenant organisations.

Housing Scotland Act 2010

This factsheet; and the accompanying tenant factsheet, meet our duty under section 47 of the Housing (Scotland) Act 2010 to publish a statement on arrangements to enable and assist tenants of social landlords to provide SHR with information on significant performance failures (SPFs) by social landlords.

We also reference serious concerns and significant performance failures (SPFs) in our [Regulatory Framework](#).

What is a serious concern?

Tenants can contact us where their landlord regularly and repeatedly fails to achieve the [regulatory requirements](#) for social housing; and this failure affects a **group of the social landlord tenants**.

What is a serious concern?

When a social landlord:

- has acted in a way which puts tenants' interests at risk and this affects, or could affect, a group of tenants or all tenants; or
- repeatedly fails to achieve outcomes in the Social Housing Charter or outcomes agreed with tenants; or
- has not reported its performance annually to its tenants or has reported it inaccurately; or
- does not meet our standards for how an RSL should govern itself and manage its finances; or
- has not met any targets we have set it.

Examples of a serious concern

(please note these examples are not exhaustive)

When a social landlord:

- fails to consult with tenants on a rent increase; or
- regularly fails to do gas safety checks when it should; or
- regularly does not do repairs when it should; or
- does not allow tenants to apply for another house; or
- does not respond formally to complaints.

We consider serious concerns of this nature to be a **Significant Performance Failures (SPF) under the 2010 Act**.

Who can report a serious concern?

Only tenants can report a serious concern to us. A group of tenants or an individual acting on behalf of a group of tenants, such as a representative of a registered tenants' organisation, can also report a serious concern to us.

To report a serious concern, they should complete the form attached to the [tenant factsheet](#) and send it to us by email or post. They should tell us exactly what the issue is and why they believe the concern is serious. They should show how the problem **affects a group of the social landlord tenants**; and also tell us how and when they raised it with the social landlord and how it responded; and why they believe the serious concern was not resolved or resolved within a reasonable time.

What will happen when a serious concern is reported?

In most cases we will need to gather more information to establish the facts before we can decide whether it is a serious concern. We:

- will tell you that a serious concern has been reported to us;
- will check whether the issue has been firstly raised with you and that you have been given the opportunity to respond within your published timescale and to address the issue;
- may ask you to provide information. If so, we will tell you what we need and agree when you should send it to us;
- may need to meet with staff and/or members of your governing body/housing committee to discuss the issue;
- will keep you updated about progress and tell you when we aim to make a decision; and
- will write to tell you and the tenant of our decision and the reasons.

We will decide whether the serious concern meets the criteria as quickly as possible.. The length of time it takes will depend on:

- how complex the issue is;
- the amount of information we need to gather and look at; and
- how quickly we get the information we need.

We also consider the information provided to us by tenants as part of our assessment of the landlord's achievement of the Charter and in our [risk assessment](#).

What will happen next?

This will depend on the circumstances. We will decide whether we need to engage with the you to ensure you take action to address the issue. We may take immediate regulatory action if we feel this is necessary.

If we need to engage with you about a serious concern, we will say this in your Engagement Plan.

Where there has been serious concern reported and investigated , we may publish the findings on our website under the Significant Performance Failures section.

If you disagree with our decision

You can ask us to review our decision. Further information about our review process and how you can request a review is contained in our guidance, [How to request a review of a regulatory decision](#) on our website.

How to contact us

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