



**Scottish Housing  
Regulator**

# **Significant Performance Failures**

Information for tenants of  
social landlords

April 2022

## Introduction

If you are a tenant of a registered social landlord (RSL), such as a housing association or co-operative, or if you are a council tenant, you can report a significant performance failure (SPF) to us. A group of tenants or an individual acting on behalf of tenants, such as a representative of a registered tenants' organisation, can also report an SPF to us.

This factsheet explains what an SPF is and how you can report an SPF.

### What is a significant performance failure?

We have set out in our [Regulatory Framework](#) what we mean by an SPF. An SPF is where a landlord:

- » consistently and repeatedly fails to achieve outcomes in the Scottish Social Housing Charter or outcomes agreed locally with tenants; or
- » has not reported its performance annually to its tenants or the annual reported performance does not reflect actual performance; or
- » has materially failed to meet the Standards of Governance and Financial Management; and
- » has acted, or failed to take action, in a way which puts tenants' interests at risk and this significantly affects a number of the landlord's tenants.

### Examples

**An SPF could happen where a landlord is:**

- » 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

## Complaints about your landlord

An SPF is not an individual tenant complaint about services. If you have a complaint, for example if you are unhappy about how your landlord carried out repairs to your own home, then you should raise this directly with your landlord through its complaints procedure. You can get a copy of the

complaints procedure from your landlord. Separate information on making a complaint about a landlord is available on our website, [Complaints about a regulated body](#).

## What should I do if I think there is an SPF?

If you think there is an SPF you firstly need to raise the issue directly with your landlord. You should give your landlord the chance to respond within its published timescale and reasonable time to address the issue.

If your landlord has not dealt with the issue then you can report an SPF to us.

## How do I report an SPF?

To report an SPF, you should complete the form attached to this factsheet, or you can access a copy on our website, [Significant Performance Failure Reporting Form](#).

You should tell us exactly what the issue is and demonstrate that it **significantly affects a number of the landlord's tenants**. You should also tell us when you raised it with the landlord and how the landlord responded.

We will contact you within five working days of receiving your reported SPF to tell you what we will do and our timescales.

## What will we do?

We will:

- » look at the information to decide whether it is, or could be, an SPF;
- » contact you within 5 working days in line with our agreed [timescales](#) to let you know what we will do;
- » ask you for further information if we need it;
- » ask the landlord for information if we need it;
- » decide whether we need to contact other regulatory bodies;
- » keep you updated about progress and tell you when we aim to make a decision; and
- » write to tell you and the landlord our decision and the reasons.

We will decide whether it is an SPF 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.

## What will happen if we decide it is an SPF?

This will depend on the circumstances. We will decide whether we need to engage with the landlord to ensure it takes action to address the issue.

If we need to engage with a landlord about an SPF we will say this in its Engagement Plan. Where there has been an SPF we will publish the findings on our website.

## 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

If you would like to report an SPF please complete the attached form providing as much information as possible. You can send this information to us by:

@ [shr@shr.gov.scot](mailto:shr@shr.gov.scot)



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