

Introduction

This factsheet is for social landlords. It explains what we do when we receive a report about a significant performance failure (SPF).

We have published a separate [factsheet for tenants and tenant groups](#) about reporting an SPF to us. We require all landlords to display and make copies of our tenant factsheet available in their offices, website and to give a copy to all groups representing tenants' interests, including any registered tenant organisations.

The Housing Scotland Act 2010

The Act (section 47) sets out the statutory basis for tenants reporting an SPF to us. We are required to set out what we consider to be an SPF and make arrangements for tenants to tell us about them. We have set out in our [Regulatory Framework](#) what we mean by an SPF.

What is a significant performance failure?

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 our Regulatory Standards; and
- » the landlord's action(s), or failure to take action, puts tenants' interests at risk and this significantly affects a number of the landlord's tenants.

Examples:

An SPF could happen where a landlord:

- » fails to carry out health and safety requirements, such as annual gas safety checks;
- » is not maintaining tenants' homes or carrying out repairs in line with its legislative duties and published policies;
- » fails to have appropriate governance and financial procedures in place or apply them; or
- » does not consult tenants about issues such as proposed rent increases and other policies that affect tenants.

Who can report an SPF?

Tenants, a group of tenants or an individual acting on behalf of tenants, such as a representative of a registered tenants' organisation, can report an SPF to us.

What will happen when an SPF is reported?

In most cases we will need to gather more information to establish the facts before we can decide whether it is an SPF. If we consider the issue could be an SPF we:

- » will tell you that an SPF 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 our decision and the reasons.

We will decide whether there has been 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?

We will decide whether we need to engage with you to get assurance that you have taken action to address the issue.

If we need to engage with you about an SPF we will say this in a regulation plan (for RSLs) or local scrutiny plan (for councils).

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 – March 2016](#) on our website.

How to contact us

You can contact us:

@ shr@shr.gov.scot

You can also contact us by



Scottish Housing Regulator, Buchanan House,
58 Port Dundas Rd, Glasgow G4 0HF



0141 242 5642

Our website



www.housingregulator.gov.scot

Significant Performance Failures

Information for social landlords

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