

**For tenants**

## **How we regulate: A guide for tenants and service users**

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. A BSL version of this guide will be available soon.

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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 other people who use housing services provided by RSLs and local authorities. This includes Gypsy/Travellers and factored owners.

#### **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 act 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 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. Also for RSL's we will publish a regulatory status and this is reflected in the engagement plan.

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 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 its houses to another RSL
- restrict business in an RSL during or following our inquiries

## How you will know if we've intervened

### We will tell your landlord to let you know if:

- we have acted 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](#)
- a [landlord directory](#) – this has a record for every social landlord. In this you will find:
  - landlord reports and a [comparison tool](#). These let you find out and compare your landlord's performance in the areas tenants told us matter most (homes and rents, tenant satisfaction, 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. Social landlords include registered social landlords (RSLs) – such as a housing association or co-operative – or councils.

As the Scottish Housing Regulator, we monitor, assess and report on the performance of landlords 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 Directory](#) where you can find individual Landlord Reports within each
- [Comparison tool](#) that you can use to compare your landlord's performance against others
- [National Reports on the Scottish Social Housing Charter](#)

## 6. Complaints and serious concerns 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. **Our role does not allow us to deal with individual complaints.** So, if you have a complaint about a social landlord that relates to you or your home, you should:

- **Step 1:** follow your landlord's complaints procedure in full – this will be available on its website or by contacting them; and
- **Step 2:** if the complaints procedure ends and you are unhappy with how it dealt with it, you can contact [the Scottish Public Service Ombudsman \(SPSO\)](#).

The SPSO's website also has information on ways for people to complain about care services and factoring services provided by social landlords.

If your complaint is upheld by the SPSO, we will be made aware of this and we will speak with the social landlord about this.

However, if you are a tenant of a social landlord, **and** the specific complaint affects a group of social landlord tenants; you can **also** take a third step

- **Step 3:** you can report the issue to us

A serious concern is where a social landlord regularly and repeatedly fails to achieve the [regulatory requirements](#) for social housing; and this failure affects **a group of the social landlord tenants**.

This could be:

- failing to consult with tenants on a rent increase
- 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 responding formally to complaints
- 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

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

### How do I report a serious concern?

To report a serious concern, you can read our [tenant factsheet on complaints and serious concerns](#) and then complete a [serious concern form](#) and send it to us by email or post. You should tell us exactly what the issue is and why you believe the concern is serious. You should show how the problem **affects a group of the social landlord tenants**; and also tell us how and when you raised it with the social landlord and how it responded; and why you believe the serious concern has not been resolved or resolved within a reasonable time.

Once received, we will look at the information, and may ask for more information from you or the landlord if we need it. We will decide whether your serious concern meets the criteria as quickly as possible. We will keep you updated with progress and write to tell you and the social landlord our decision and the reasons.

[Read more about complaints and serious concerns](#)

## 7. How we include tenants and service users

Protecting your interests and actively including you 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 including 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](#)
- [The Regional Network SHR Liaison Group](#)
- [Tenant Advisors](#)

- tenant representative bodies

We also want to make sure the information we produce about landlords and about our work is relevant and easy to access. We communicate in a range of ways, because we know that is the best way to reach most people.

[Find out more about how we include tenants and service users in our work](#)

## 8. Equality and human rights

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

- achieve, or have effective plans in place to achieve, the equalities outcome in the [Scottish Social Housing Charter](#) and outcomes for Gypsy/Travellers
- meet their legal duties on equalities and human rights
- collect information about the needs of their tenants and service users and use this to deliver services that meet these needs

We ask landlords to confirm through their [Annual Assurance Statement](#) that they are doing this and we may also look at some areas in more detail such as how easy it is to access housing and homelessness services.

[Read our equalities statement](#)

## 9. 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](#)

Individuals and landlords affected by our work can also ask us to re-examine our decisions. This can be done in two ways.

**Reviews:** The quickest, most informal route, where the decision-maker and a more senior person look again at the decision.

**Appeals:** You can also ask us to formally re-examine certain regulatory decisions we have made. We ensure that appeals are considered by people who are independent from the original decision.

[Find out more about how to request a review, or make an appeal, of a regulatory decision](#)

## 10. BSL and other translations

We will always aim to ensure the information we provide is [accessible](#).

We publish content directly on web pages in plain text and offer different formats, including the BSL translation coming soon.

We also use the services of [Happy to Translate](#).

Please [contact us](#) to ask for a different format of this guide.