

# Complaints and Significant Performance Failures

## Complaint or significant performance failure?

If you are a tenant of a registered social landlord (RSL), such as a housing association or co-operative, or you are a council tenant, and you are unhappy about the services you receive or have concerns about the way your landlord is operating, then you have the right to make a complaint and/or report a significant performance failure.

The following information describes the difference between a complaint and a significant performance failure. It lets you know what you should do under each circumstance and tells you who you should report a complaint or a significant performance failure to.

## When to complain

If you are a tenant of an RSL, or a council, your landlord has certain responsibilities.

These responsibilities are generally set out in your tenancy agreement. They will also be detailed in policies and procedures and other material

that your landlord may produce, such as a tenants' handbook.

Generally your landlord should let you know its responsibilities in areas such as:

- » how it will maintain your property;
- » the repairs it will do and how quickly it will do them;
- » how it will deal with anti-social behaviour; and
- » its customer care standards and how you should be treated.

If you feel that your landlord has provided a poor service, delivered a service badly, or failed to provide a service, you have the right to complain.

## How to complain

Tell your landlord what you want to complain about. Give them the chance to put things right. You can normally complain in person at your landlord's office,

in writing, by phone, by e-mail or by asking someone else to do it on your behalf.

If you are not happy with your landlord's initial response, get a copy of its complaints procedure. The procedure will detail further steps in the complaints process. Ask to have your complaint progressed to the next stage.

If you remain unhappy after you have followed your landlord's complaints procedure, you may be able to have your complaint reviewed by the Scottish Public Services Ombudsman. More information on the role of the Ombudsman is available from: 4 Melville Street, Edinburgh, EH3 7NS; phone **0800 377 7330**; fax **0800 377 7331**; or email: **ask@spsso.org.uk**.

## When to report a significant performance failure

A significant performance failure will occur when a landlord fails to do something, or takes action that puts tenants' interests at risk. It will normally relate to the landlord's failure to meet its legal requirements or tenant commitments, **and it will affect many or all of the landlord's**

**tenants.** A significant performance failure will relate to services provided to tenants. For RSLs it will also apply to governance and financial matters. When a service failure affects only one tenant or a small number of tenants then this should be dealt with as a complaint.

### For example, a significant performance failure could occur when your landlord:

- » fails to carry out health and safety requirements, such as annual gas safety checks;
- » fails to allocate houses in line with its legal responsibilities or good practice;
- » is not maintaining tenants' homes or carrying out repairs in line with its published responsibilities;
- » does not consult with tenants about issues such as proposed rent increases and other policies that affect tenants; and
- » is failing to allow tenants to participate and influence the decisions the landlord makes.

### What should you do?

If you are a tenant and are aware of a significant performance failure you should:

- » raise the issue with your landlord;
- » give them a reasonable time to respond; and
- » give them a reasonable time to fix the failure.

If your landlord does not deal with the failure, or it agrees to do something and nothing happens, then you can report this to us.

### How to report a significant performance failure?

The simplest way to report a significant performance failure is to complete the form on our website and email it to us. This can be found on our website [scottishhousingregulator.gov.uk](http://scottishhousingregulator.gov.uk). You can also telephone, fax, write or email us (details are at the end of this leaflet). We will also accept a report of a significant performance failure from individuals or groups representing tenants, such as registered tenants' organisations, or groups of tenants.

### What we will do

When we receive a report that there has been a significant performance failure, we will:

- » review the information provided to assess whether it is, or is not, a significant performance failure;
- » respond to you within 20 working days; and
- » tell you or the tenants' group what action, if any, we intend to take.

If you require further information on significant performance failures or about making a complaint please contact:

#### Carolyn Anderson

Phone: 0141 305 4199

Fax: 0141 221 5030

Email: [spf@scottishhousingregulator.gsi.gov.uk](mailto:spf@scottishhousingregulator.gsi.gov.uk)

#### Or write to:

Scottish Housing Regulator  
58 Waterloo Street  
Glasgow G2 7DA



Scottish Housing  
Regulator



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