

Ariane Burgess MSP
Convener of the Local Government, Housing and
Planning Committee

15 October 2025

Dear Ariane,

Scottish Housing Regulator

1. Thank you for your letter about the Scottish Housing Regulator received on 7 October 2025.
2. I can confirm that the Scottish Housing Regulator is an organisation under our jurisdiction.
3. This is because it is a non-Ministerial office. Under schedule 2, part 1, para 3 of the Scottish Public Services Ombudsman Act 2002 all such offices come under our jurisdiction because of their status.
4. Our legislation sets out who can bring us complaints and in what circumstances. It also requires us to apply some jurisdictional tests. We interpret these on a case-by-case basis but some of the most relevant points include:
 - 4.1. We can take a complaint from a person (which is a broad category which includes companies and groups of people) from someone who claims they have suffered an injustice or hardship as a result of maladministration.
 - 4.2. They should do so within 12 months (although we have power to extend that time limit)
 - 4.3. We need to decide whether it is reasonable to come to us or whether there is a more suitable alternative route (court/appeal to the Scottish Ministers)
 - 4.4. They should usually have completed the complaints process for the organisation.
 - 4.5. We cannot (outside of the NHS whistleblowing standards) consider complaints relating to employment or appointment matters.



- 4.6. Unless we find maladministration, we cannot comment on decisions within an organisation's discretion. It is important to note that if we find maladministration (errors in fact, failure to follow guidance, bias etc), we can consider whether those errors have made the decision unsafe. Also, this limitation does not cover clinical decisions or social work judgement where we can directly review the quality of the decision being made.
- 4.6.1. In practice, the impact of this limitation can be highly variable as, in some areas, guidance, legislation and policy can limit the discretion while, in others, the organisations have very broad parameters to work within.
5. We give members of the public advice on individual cases but have also produced leaflets to help them understand our role. One of these is about Commissioners and Regulators. It can be found in full here. [Other Commissioners](#)
6. Organisations such as the Scottish Housing Regulator have usually been given statutory independence for key decisions they make about the bodies they regulate. You will see we make it clear we are not an appeal body and give these examples of the types of complaints that we may consider. For example the organisation:
- 6.1. took an unreasonably long time to answer your complaint,
 - 6.2. didn't do something that they said they would do,
 - 6.3. didn't follow their own procedures when considering your complaint,
 - 6.4. were biased in the way they considered a complaint,
 - 6.5. didn't stick to their own standards (for example a Code of Conduct for employees),
 - 6.6. didn't take into account relevant rules and regulations,
 - 6.7. didn't explain their decisions clearly.
7. We do not receive a significant volume of complaints about these types of organisations and in the past five years have only received a handful of complaints about the Scottish Housing Regulator. None of these have led to a public report or decision report which means we can provide only limited detail. In our public statistics we have noted cases were closed over that same period on discretionary grounds, that means they met the basic jurisdictional tests and that our decision was either the organisation had provided a reasonable response or that there was nothing further we could do, and further investigation was not required.
8. I hope this information is useful and please do let us know if you have any further questions.

Yours sincerely

Andrew Crawford
Acting Scottish Public Services Ombudsman