Office of the
Deputy Prime Minister
Creating sustainable communities

Codes of Practice for Student Accommodation:

Approved Codes under Section 233 of the Housing Act 2004

Consultation

September 2005

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Office of the Deputy Prime Minister: London

The Office of the Deputy Prime Minister
Eland House
Bressenden Place
London SW1E 5DU
Telephone 020 7944 4400
Web site www.odpm.gov.uk

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Introduction

This consultation paper is one of a series about implementation of provisions in the Housing Act 2004.

The paper seeks final views on the approval of codes of management practice for student accommodation and sets out how the primary legislation may be used to approve them and the context in which this approval is being sought. It invites interested parties to comment on the final versions of three codes proposed for approval that have already been subject to substantial consultation in their production.

This consultation paper is not accompanied by a full Regulatory Impact Assessment because the costs involved are less than £5m. However it does contain a full assessment of those costs.

Responding

The closing date for responses is 6 October 2005. Comments should be sent, if possible by e-mail, to john.daniels@odpm.gsi.gov.uk or by post to:

John Daniels
2/H9 Eland House
Bressenden Place
London SW1E 5DU

Or by fax to tel: 020 7944 3519

When responding please make clear whether you represent any organisation or group, and in what capacity you are responding. A list of the organisations that have been formally invited to respond can be found at annex I. However, we would welcome comments from other individuals and organisations that would like to make them. Consultees are invited to alert other interested parties who do not appear on the list.

Individual responses will not be acknowledged. A summary of responses will be published on www.odpm.gov.uk/housing within 3 months following the closing date for responses. Paper copies will be available on request. Additional copies of the consultation paper can be downloaded from www.odpm.gov/housing/consult.

Any queries on the content of the consultation paper should be addressed to John Daniels on the above e-mail or postal addresses (telephone 020 7944 3553).

This consultation paper follows the criteria laid down in the Cabinet Office's 'Code of practice on written consultation' which is included at annex J. Although the consultation period for this paper and the attached codes is a month, the requirement to consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy, has been met in several ways. Firstly the ANUK Codes are closely based upon a code that was launched in November 2004 following extensive consultation. Secondly, as explained in paragraphs 18-25 of the next section of this paper, the ANUK and Universities UK Codes have both been the subject of extensive written consultation in their development since early 2005.

The criteria for the approval of these codes have also been the subject of consultation. Stakeholders should not find any surprises in the final versions that are the subject of this consultation. It is intended that the final versions of these codes that are approved following this consultation will each have appended to them a list of establishments and accommodation which comply with the respective codes.

All information in responses, including personal information, may be subject to publication or disclosure under freedom of information legislation. If a correspondent requests confidentiality, this cannot be guaranteed and will only be possible if considered appropriate under the legislation. Any such request should explain why confidentiality is necessary. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Approval of Codes of Practice for Student Accommodation

The purpose of this consultation

1. This brief consultation follows up a substantial period of consultation by the authors of three codes of practice on the management of student accommodation that the government is now minded to approve under section 233 of the Housing Act 2004.

2. At Annex A is an extract of the relevant provisions of the Housing Act 2004. At Annex B are the criteria by which the government proposes to approve these codes. Your views are sought on the final versions of three codes attached to this paper at Annexes C-E. At Annexes F-H are assessments of these codes' compliance with these criteria.

3. This consultation covers England and Wales.

4. The following sections of this paper that precede these annexes seek to explain how the requirements for these codes arose, and then, having regard to the development of the Housing Act 2004, the requirements for codes of practice. It concludes with an assessment of the consultation that has already taken place and considers regulatory impact.

Background to this consultation

5. The Housing Act 2004 seeks to improve the physical conditions, having regard to health and safety risk, for housing in all sectors. It has provisions directed at the market for property for owner-occupation. There are provisions relevant to the social rented sector but a particular focus, through its licensing provisions, is to improve the management of the more difficult-to-manage properties in the private rented sector – Houses in Multiple Occupation (HMOs). It also provides in section 233 for the appropriate national authority (the Secretary of State, in England, and the National Assembly for Wales, in Wales) to approve codes of practice laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation, or of accommodation excepted from HMO Licensing.

6. The 3 codes of practice that the government is now minded to approve are concerned with the management of student accommodation. Student housing was a significant issue in debates during the Act's passage through parliament. Almost two thirds of all students live in the private rented sector, indeed many continue to rent after university (the sector has a higher proportion of graduate tenants than in any other sector, including owner-occupation). Some 40% of private tenants are under 30 – so this is a group whose expectations can play a significant part in raising standards in the sector. However, just over a third of students are thought to live in purpose built accommodation provided by the university or a commercial provider.

7. The concentration of student housing in particular areas is being considered separately in advice to universities and local authorities following a study commissioned by Universities UK. So this consultation is about the standards of management of student accommodation that is controlled and managed either by the higher education institutions or by commercial providers.

8. If HMOs can be difficult to manage then student halls of residence offer management challenges of even greater complexity. That is why a code of management practice was seen to be needed well before changes to the Housing Bill provided for the approval of codes of practice for student accommodation.

Housing Act 2004 provisions relevant to students

9. The Housing Act 2004 contains provisions that are of direct concern to students:

- The fitness of properties under Part 1 of the Act – the new Housing Health and Safety Rating System (HHSRS) that applies to all housing tenures.
- The licensing of Houses in Multiple Occupation (HMOs) under Part 2 of the Act which requires private landlords (or the people managing or controlling the rented property) to be 'fit and proper' persons and manage in proper way (as evidenced say by Codes of Practice).
- Tenancy deposits.

10. The licensing provisions of the Act:

- Set, as a definition of Houses in Multiple Occupation (HMOs), a house occupied by persons of more than one household, and sharing amenities (this means most privately rented shared student houses are classified as HMOs.
- Allow for mandatory licensing that is to apply high risk HMOs (of 3 or more storeys occupied by 5 or more persons of more than 1 household).
- Help identify properties that most need targeting by HHSRS under Part 1.
- Require that managers of licensed properties should be 'fit and proper' persons and follow acceptable management practices (as may be evidenced by a code of practice).

University Managed Halls of Residence

11. During the passage of the Housing Bill the government was pressed to include university managed halls of residence in the licensing provisions. The general line in resisting this was that they were responsibly managed by semi-public bodies and that identifying where they were, and who owned them, for the purposes of HHSRS was not a problem. But after further representations, the government amended the Bill in the House of Lords and so that the Housing Act 2004 provides (see Annex A) that the government may:

- Under section 233, approve codes of practice (whether prepared by the government or by another person) laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation or of accommodation excepted from HMO Licensing.

- Under Schedule 14 paragraph 4, make regulations excepting from the defintion of HMO and thereby from HMO licensing buildings occupied by students where the buildings are managed by specified educational establishments, or a specified person, and comply with an approved code of practice.

12. Universities UK (UUK) were invited by the government to set in hand the preparation of a code of practice as a basis for excepting universities from licensing. At the same time the Accreditation Network UK (ANUK) had well in hand a Code of Practice that would cover all universities and higher education bodies as well as commercial providers of purpose-built student accommodation.

The development of codes of practice

13. The legislation does not preclude the development and approval of a number of codes of practice. Although codes may be approved for buildings that are subject to HMO licensing, as well as those that are excepted from the definition of HMO for the purposes of licensing, it is important that any code approved should not conflict with any other code or statutory provision.

14. In November 2004 the ODPM consulted on the implementation of the provisions in the Housing Act 2004 with regard to 'Licensing in the Private Rented Sector'. Section 6 of that paper dealt with the power of the Secretary of State to approve a code or codes of management practice applicable to all HMOs.

15. It noted that "… management regulations will set out required minimum standards of management practice and failure to comply will be an offence. These regulations must therefore be limited and focus on essential elements of management practice. Approval of a code of practice enables us to set out additional and more detailed standards of practice which are desirable, but where a failure to comply would not reasonably constitute an offence. The code therefore covers broadly the same areas as the management regulations but provides greater detail and advice on best practice to landlords about the management of their property. Such guidance would be especially useful to smaller landlords, who do not necessarily have access to professional housing advice. Implementation of the Code should improve management practices in HMOs and thereby help to prevent hazards arising. A Code may be approved even if management regulations are not made. Any Code would need to be justified on the grounds that it positively helped landlords to secure improvements as a matter of good practice. It would not be appropriate to use the Code to set new and higher standards, other than for aspirational purposes."

16. It also noted that "Although failure to comply with the code will not be an offence, the code will provide an objective statement of suitable management practice against which management of HMOs may be judged." Furthermore "We believe that having a Code or codes would provide a useful objective basis for decisions and training and will provide useful guidance particularly to landlords who do not have access to other guidance. We therefore propose to approve at least one code."

Government approval of codes

17. The government has decided to consider the need for an Approved Code of Practice to cover non student HMOs in the light of the experience of the new licence regime once it has settled in. However in July 2005 the government communicated its criteria for approval to the authors of codes that were intended to apply to student accommodation – this is attached at Annex B.

18. This paper is covering, for a brief final consultation, the 3 codes that have been submitted to it for approval and which it is minded to approve. They are:

    Annex C The Universities UK Code applying to university managed and controlled accommodation.

    Annex D The ANUK Code applying to applying to accommodation managed and controlled by institutions of higher education.

    Annex E The ANUK Code applying to applying to accommodation managed and controlled by other bodies subject to HMO licensing.

19. At Annexes F – H are assessments of the compliance of these codes with the criteria of Annex B.

The Universities UK Code

20. The initiative of the Accreditation Network UK (ANUK) and the student housing providers, particularly UNIPOL, in developing (with the assistance of the National Union of Students (NUS) and the support of Universities UK) a National Accreditation Code of Management Practice for University Halls of Residence has provided a sound basis for the development of a Universities UK code. There has been, and it is proposed there will continue to be, cooperation between ANUK and UUK over their respective codes.

21. In the preparation of their code Universities UK have consulted the Standing Conference of Principals (SCOP), the Association of University Directors of Estates (AUDE), the Association for Student Residential Accommodation (ASRA), the Conference of University Business Officers (CUBO), the University Safety and Health Association (USHA), the Association of University Heads of Administration (AUHA), the Association of University Chief Security Officers (AUCSO) and the Association of Managers of Student Services (AMOSSHE) have cooperated in the preparation of the Code. The Office of the Deputy Prime Minister, the National Union of Students (NUS), the Local Government Association (LGA), and the Accreditation Network UK (ANUK).

ANUK Codes

22. The Accreditation Network UK produced and published a code on larger student developments in November 2004. Its publication was supported by the ODPM as part of the wider process of supporting accreditation.

23. The code has enjoyed the support of the National Union of Students (NUS), The Accreditation Network UK (ANUK), the Chartered Institute of Environmental Health Officers (CIEH), the Association for Student Residential Accommodation (ASRA), the Association of Managers of Student Services in Higher Education (AMOSSHE), the Conference of University Business Officers (CUBO), Universities UK, social and charitable providers of accommodation (Unipol Student Homes have taken the lead in preparing the code) and large commercial accommodation providers like the University Partnerships Programme (UPP), Opal Limited, Liberty Living Group plc, and Unite plc.

24. All these bodies were fully consulted at all stages in the development of the code. The code is available publicly on www.unipol.leeds.ac.uk/largercode and is also publicised on www.anuk.org.uk.

25. The code has been distributed to all the major developers of high density student accommodation as well as Registered Social Landlords engaged in supplying student accommodation. It has also been distributed to all Universities and HE institutions. Local Authorities who are members of ANUK have also received full information about the code.

26. Since November the ANUK code has been developed through this process of consultation to cater for the administration of the code, its accreditation and compliance procedures and dispute resolution. However in substance the ANUK Code itself has not been significantly changed.

27. To meet the requirements of approval under section 233 of the Housing Act 2004 the ANUK Code has been split into two parts – one applying to university managed and controlled accommodation and the other applying to commercially managed and controlled accommodation. On the basis of compliance with the first code university managed and controlled accommodation may be excepted from the definition of HMO licensing. On the basis of compliance with the second code commercially managed and controlled accommodation may expect favourable treatment by local authorities under the HMO licensing provisions of the Housing Act 2004, particularly in the charging of very significantly reduced licensing fees.

The Higher Education Regulation Review Group

28. The Higher Education Regulation Review Group (HERRG, the independent "gatekeeper" group for higher education, appointed by the Minister for Lifelong Learning, Further and Higher Education to help drive forward Government policy to minimise bureaucratic and regulatory burdens on higher education institutions) has been consulted on the development of these codes.

29. HERRG has been concerned to ensure these codes adopt a risk-based and proportionate approach, in line with the Better Regulation Task Force's five principles of good regulation. In particular HERRG has been concerned to ensure these codes will impose no unnecessary additional administrative burdens on universities and expect the HERRG will be able to endorse the final versions of the codes that apply to higher education.

Regulatory Impact

30. The purpose of developing these codes of practice is to reduce the regulatory impact of licensing on larger student accommodation. By complying with a code of practice the student accommodation of colleges of further education may be excepted from the HMO definition for the purposes of licensing. For commercial undertakings that comply with a code of practice there is the prospect of lower costs and less direct regulation under licensing.

31. In November 2004 a Regulatory Impact Assessment of the Housing Bill Part 2 was published by the ODPM. It included a section on HMO licensing and of the costs to landlords. This suggested fee levels for a 5 year HMO licence of between £110 and £180 per unit of accommodation. A full regulatory impact assessment of the effect of licensing will be produced when orders bringing HMO licensing into effect are made.

32. It is not proposed to provide a full regulatory impact assessment for this consultation – as indicated below the impact on the public sector of complying with a complying with a code of practice is very significantly less than £5m. Having regard to the views of HERRG, estimates have been made of the relative costs of university accommodation having to be licensed and of the costs that may arise from accreditation to a code of practice.

33. In any one year the number of students (at whatever stage in their studies) that are accommodated in University maintained property is in the region of 300,000. The number of students accommodated in privately maintained halls of residence is likely to be in the region of 100,000. This gives a total of 400,000 students or bed spaces.

34. If all this accommodation had to be licensed at anywhere near the indicative maximum licensing fee of £180 for 5 years (or £36 per year) the total cost could be £14.4m. But for a University maintained property the costs of accreditation are estimated at only £0.70 per bed space. So for 300,000 bed spaces the total cost would be only £210,000.

35. However, for a privately maintained property that is accredited, but subject to licensing, a significantly reduced licensing fee would be justified. That would reflect the fact that the local authority could rely to a considerable extent on compliance with the arrangements for managing accreditation to the code of practice. Therefore if the licensing fee were reduced to say £10 per bedroom and the accreditation fee of £0.70, the total annual cost for 100,000 bed spaces would be little over £1m.

Annex A

Housing Act 2004
Provisions Relevant to Student Housing

Section 55 'Licensing of HMOs to which this Part applies' says (extract of first 3 subsections):

(1) This Part provides for HMOs to be licensed by local housing authorities where:

(a) they are HMOs to which this Part applies (see subsection (2)), and

(b) they are required to be licensed under this Part (see section 61(1)).

(2) This Part applies to the following HMOs in the case of each local housing authority:

(a) any HMO in the authority's district which falls within any prescribed description of HMO, and

(b) if an area is for the time being designated by the authority under section 56 as subject to additional licensing, any HMO in that area which falls within any description of HMO specified in the designation.

(3) The appropriate national authority may by order prescribe descriptions of HMOs for the purposes of subsection (2)(a). …….

Section 259 'HMOs: persons treated as occupying premises as only or main residence' says (Extract of first 2 provisions):

(1) This section sets out when persons are to be treated for the purposes of section 254 as occupying a building or part of a building as their only or main residence.

(2) A person is to be treated as so occupying a building or part of a building if it is occupied by the person:

(a) as the person's residence for the purpose of undertaking a full-time course of further or higher education.

Section 254 defines 'Meaning of "house in multiple occupation"' but says in subsection (5):

(5) But for any purposes of this Act (other than those of Part 1) a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 14.

Section 233 'Approval of codes of practice with regard to the management of HMOs etc.' provides:

(1) The appropriate national authority may by order:

(a) approve a code of practice (whether prepared by that authority or another person) laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation or of excepted accommodation;

(b) approve a modification of such a code; or

(c) withdraw the authority's approval of such a code or modification.

(2) Before approving a code of practice or a modification of a code of practice under this section the appropriate national authority must take reasonable steps to consult:

(a) persons involved in the management of houses in multiple occupation or (as the case may be) excepted accommodation of the kind in question and persons occupying such houses or accommodation, or

(b) persons whom the authority considers to represent the interests of those persons.

(3) The appropriate national authority may only approve a code of practice or a modification of a code if satisfied that:

(a) the code or modification has been published (whether by the authority or by another person) in a manner that the authority considers appropriate for the purpose of bringing the code or modification to the attention of those likely to be affected by it; or

(b) arrangements have been made for the code or modification to be so published.

(4) The appropriate national authority may approve a code of practice which makes different provision in relation to different cases or descriptions of case (including different provision for different areas).

(5) A failure to comply with a code of practice for the time being approved under this section does not of itself make a person liable to any civil or criminal proceedings.

(6) In this section "excepted accommodation" means such description of living accommodation falling within any provision of Schedule 14 (buildings which are not HMOs for purposes of provisions other than Part 1) as is specified in an order under subsection (1).

SCHEDULE 14 Section 254

BUILDINGS WHICH ARE NOT HMOS FOR PURPOSES OF THIS ACT (EXCLUDING PART 1)

Includes the following:

Buildings occupied by students

4 (1) Any building:

(a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

(2) In sub-paragraph (1) "specified" means specified for the purposes of this paragraph in regulations made by the appropriate national authority.

(3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying:

(a) a particular educational establishment, or

(b) a particular description of educational establishments.

(4) The appropriate national authority may have regard to the extent to which, in its opinion:

(a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant; or

(b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice, as the case may be.

(5) In sub-paragraph (4) "occupied for connected educational purposes", in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

Annex B

Criteria for the Approval of Codes of Practice under Section 233 of the Housing Act 2004: Student Accommodation

Section 233 of the Housing Act 2004 provides that the appropriate national authority (the Secretary of State in England or The National Assembly for Wales) may by order approve a code of practice (whether prepared by that authority or another person) laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation or of accommodation excepted from the definition of HMO for all purposes of the Housing Act 2004 other than Part 1.

Formal accreditation to a code is a matter for those managing a code and is a voluntary undertaking for those managers of accommodation who so commit to the code. As is the case for codes of practice approved under other legislation, approval of a code under Section 233 of the Housing Act 2004 does not have the effect of making a breach of that code an offence nor does breach create a civil liability. However, the code may be used as evidence of good practice by a court or tribunal.

For its approval under section 233 the following principles may apply:

General Requirements

1. Whether the code is for licensed HMOs or accommodation that is excepted from the HMO definition, the minimum standards set down in the code, for whichever category it applies, should be compatible with the minimum standards required for the other category where comparable properties are concerned.

2. A code must clearly state its scope and the type of properties it covers. As approved by the appropriate national authority it will be a national code.

3. A code should clearly state who maintains ownership of the code and who (say a Committee of Management) will be responsible for its future management with regard to maintaining the integrity of the code, its ongoing review and development, and for ensuring compliance with the code of those accredited to it. A code should have adequate procedures for accrediting members to the code and for checking their compliance with the code. A code should have mechanisms for excluding from accreditation to it those who do not adequately comply with it. It should also provide for dispute resolution arrangements linked to a properly publicised complaints procedure.

4. The code should apply to the management of the property, its facilities and the rights of tenants to certain facilities and contractual relationships from the landlord. This must also involve compliance with all legislation relating to the rights and obligations of landlords and tenants such as the safeguarding of tenancy deposits, equal opportunities and matters of discrimination. For example, this must include the maintenance of the property in line with the health and safety requirements of Part 1 of the Housing Act 2004.

5. A code of practice should be consistent with applicable standards such as the management regulations for HMOs (say in relation to ensuring a secure and uninterrupted supply of services: gas (where applicable), electricity, hot and cold water, sewerage, lighting and post). It must provide for the ways in which the safety and security of the occupants is maintained and also for the means by which repairs and maintenance are to be carried out at the minimum inconvenience to those occupants. There must be clear provisions for the maintenance and availability of shared services and facilities (such as cooking, bathing, washing, WC and laundry facilities).

6. Before approving a code the appropriate national authority should take reasonable steps to consult persons involved in the management of the properties in question and persons occupying such accommodation or persons whom the appropriate national authority considers to represent the interests of those persons. This need not involve a separate consultation if the authority can be satisfied that those affected have been adequately consulted in the preparation of the code.

7. The appropriate national authority must be satisfied that the code (or any subsequent modification of it) has been published (whether by the government or by another person) in a manner that the government considers appropriate for the purpose of bringing the code (or any modification to the code) to the attention of those likely to be affected by it; or that arrangements have been made for the code or modification to be so published.

Particular Requirements for Student Accommodation

8. A student accommodation code should simply deal with housing matters. It should relate solely to the landlord-tenant relationship in the provision of property and should not have regard to other aspects of the relationship between the tenant as an individual and the landlord as an individual or body where those other aspects are not housing-related. Therefore in the relationship between a student and an academic institution that is also an accommodation provider, disciplinary procedures relating to the academic side of that relationship should not be applied (these procedures would not be available to non-university providers of accommodation – NB principle 1) save that a student's tenure in the accommodation concerned is a function of that person remaining a student.

9. A student accommodation code should require that the terms of tenure should be clearly set out in writing prior to the tenancy. These terms should include a commitment to the timely provision of accommodation at the start of the academic year, the terms on which any deposit is taken (subject to the provisions of the Housing Act 2004), a responsibility for responsible behaviour in relation to neighbours (and the treatment of anti-social behaviour), data protection, equal opportunities and a complaints procedure.

10. A student accommodation code should provide that residents should have contact details for their landlord. They should also be informed of their insurance liabilities.

11. A student accommodation code should address certain health and safety issues that relate to fire, electrical and gas supplies and appliances, kitchen facilities and food storage, security measures and matters concerning common areas. This may include, for fire safety, adequately dealing with the provision and testing of alarm systems, adequate escape routes and advice to tenants. For gas and electrical safety this may include adequately dealing with the provision and testing of appliances. A code should reflect the need for a property to be reasonably fuel efficient, and adequately heated and ventilated. A property should also offer a reasonable level of security to its residents.

12. A student accommodation code should require a tenant to be informed of clear policies and procedures for access by the landlord for maintenance and for cleaning.

13. A student accommodation code should have clear provisions as to the amenities that are to be provided in relation to kitchens, food storage and processing; bathrooms, toilets and showers; laundry facilities; furnishing; mail delivery and waste disposal.

Annex C

Universities UK/Standard Conference of Principals

Code of Practice for the Management of Student Housing

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Introduction, Purpose and Scope

Introduction

i) This Code has been prepared to assist managers of student accommodation by setting out the main elements of good practice covering, among other matters, health and safety, maintenance and repair, and relationships between managers and student tenants – including their respective responsibilities and obligations. It should assist students in understanding the standards and procedures applying to their accommodation.

ii) Administration arrangements for this Code are set out in Section 8. These are intended to serve the overall purposes of the Code – helping to maintain and enhance standards and to set out clearly what students may expect of their accommodation and its management. They also provide mechanisms for identifying, and helping remedy, any shortcomings in management of student accommodation. Where audit and/or complaints indicate a persistent management failure a higher (or further) education establishment (HEE) may be deemed to be no longer compliant with the Code.

iii) The Standing Conference of Principals (SCOP), the Association of University Directors of Estates (AUDE), the Association for Student Residential Accommodation (ASRA), the Conference of University Business Officers (CUBO), the University Safety and Health Association (USHA), the Association of University Heads of Administration (AUHA), the Association of University Chief Security Officers (AUCSO) and the Association of Managers of Student Services (AMOSSHE) have cooperated in the preparation of the Code. The Office of the Deputy Prime Minister, the National Union of Students (NUS) and the Accreditation Network UK (ANUK) have been consulted during its preparation.

Purpose

iv) Arrangements for the management of student accommodation vary considerably between HEEs and a range of professional HE bodies is involved in giving information and advice on one or other aspect of housing provision and management. The Code, therefore, is intended to meet a recognised need in the sector for a "source document" covering a broad range of issues pertaining to HE residential accommodation. It outlines best practice and provides bench marks for the management – and quality – of student housing in the sector.

v) It is intended to serve also as the approved code of practice for HE "managed or controlled" accommodation under the Housing Act 2004. The Act provides[1] that the national authority (the Secretary of State in England or the National Assembly for Wales) may approve a code of practice laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation (HMOs) or of accommodation excepted from the definition of HMO.[2]

1 Section 233.

2 Excepted for all purposes of the Housing Act 2004 other than Part 1. Part 1 introduces a new system of assessing housing conditions (the HHSRS).

vi) The national authority may except from the definition of an HMO, for the purposes of licensing, accommodation managed or controlled by higher or further education establishments[3] where the accommodation is used solely or principally by persons for the purpose of undertaking a full time course of further or higher education. They may be excepted on the basis that each establishment and its buildings so excepted would be managed in conformity with an approved code of practice.

vii) Formal accreditation to a code is a matter for those managing a code and is a voluntary undertaking for those managers of accommodation who so commit to the code. As is the case for codes of practice approved under other legislation, approval of a code under Section 233 of the Housing Act 2004 does not have the effect of making a breach of that code an offence nor does breach create a civil liability. However, the code may be used as evidence of good practice by a court or tribunal.

xiii) This Code indicates the main principles which should be observed and the essential requirements which must be met in order to meet the criteria for formal accreditation (see Section 8 of this Code).

ix) In this context "managed or controlled" by an higher education establishment is taken to mean that the institution carries the main responsibility for repair and maintenance and for the day to day landlord and tenant relationship. Appendix A explains the method by which a determination should be made of which buildings are "managed or controlled" by for the purpose of this Code. The method will be subject to an early review.

x) As experience is gained in implementing the Housing Act 2004, particularly with regard to codes of practice, this Code will be amended. In making amendments regard will be had to changes in regulatory requirements, and to developing requirements and standards within the HE sector.

Scope

xi) Higher (and further) education establishments have distinctive management arrangements including independent governing bodies. They are subject to both internal and external audit. The relationship between university or college authorities and students as tenants, or licensees, therefore differs in some important respects from the landlord/tenant relationship in the privately rented sector. Moreover a range of statutory requirements applies to HE provided student housing, some general but some specific. The scope of this Code therefore reflects the particular circumstances of HEEs. It has been developed from established procedures and good practice in the HE sector. It takes account also of other codes designed to have a wider application.

xii) This Code applies in England and Wales and only to student accommodation managed or controlled by HEEs, or by further education establishments.

3 Under section 254(5) and Schedule 14, paragraph 4.

xiii) The Code has regard to the legislation that applies to all houses in multiple occupation. Codes provide greater detail and advice on best practice. However as the relevant ODPM consultation paper states, codes are not intended to set new or higher standards than those in that legislation "other than for aspirational purposes".[4]

xiv) This Code has both "mandatory" and aspirational elements. The basic requirements are those that would need to be met were the relevant properties to be subject to licensing under the Act. They are concerned with fire safety, maintenance of gas and electricity installations, water supply and drainage, toilets, sinks, washbasins, installations for storing food, disposal of refuse and litter, maintenance of common areas (e.g. yards, gardens), windows and ventilation, repair of internal structure and post boxes. Additional basic requirements are that tenants are to be advised on action to be taken in case of emergencies and that managers must be allowed reasonable access to the premises.

xv) A number of other matters that pertain to the quality of student accommodation and its management are included also. As with the basic requirements, the intention is to indicate best management practice of student housing in the sector.

xvi) It should be noted that while HEE accommodation that is managed in compliance with the Code will be exempt from licensing under the Housing Act, HE accommodation **is not exempt** from the provisions on housing standards in Part 1 of the Act. The new approach to assessing housing conditions (the Housing, Health and Safety Rating System, HHSRS) applies to all housing – including local authority housing.

xvii) Some HE accommodation will not fall within the definition of an HMO. Other accommodation may constitute a house in multiple occupation and not be compliant with the Code and not subject to licensing. Some, for one reason or another, may require to be licensed (see Section 8). It is possible that some may be subject to proposals for additional licensing.

xviii) Appendix B gives a brief outline of the principal provisions of the Housing Act 2004 relevant to student accommodation managed or controlled by HEIs.

xix) It is the intention that, in principle, this Code should apply to all the student housing managed or controlled by a higher education establishment. But there will be some variation in the extent to which the Code applies. For example, weekly fire alarm tests would not be applicable in the case of individual houses or flats. And in certain circumstances the requirements of other legislation e.g. on listed buildings may not permit full compliance. The buildings listed in the Schedule should be those solely or principally occupied by students undertaking a full time course of further or higher education and which are managed or controlled by the education establishment providing the course.

4 See ODPM Consultation paper (November 2004): *Licensing in the Private Rented Sector* p.47.

Code of Practice

1. General

1.1 This Code assumes an establishment's compliance with all statutory requirements under the housing, building, planning, disability discrimination, equal opportunities, data protection and other relevant legislation. However, some references are made in the text to specific requirements where this may be helpful to accommodation managers. As is the case in some other codes, the word "must" is generally used to indicate a statutory requirement.

1.2 The Code should be read in conjunction with the establishment's regulations, rules, codes and other local documentation relevant to the subject matter of this Code. HEEs should ensure that their documentation provides evidence of compliance with the Code.

2. Health and safety standards and procedures

2.1 Student residences and their contents as supplied by an HEE must meet the requirements of all relevant health and safety regulations and codes of practice. Certain special circumstances (e.g. legislation relating to listed buildings) may justify a partial relaxation of these requirements.

2.2 HEEs should make an analysis of the risk of such events as fire, outbreak of disease or major breakdown and develop procedures for dealing with them. The analysis and the procedures should be documented (e.g. in risk registers) and should be available for inspection by residents.

2.3 Students should be given clear advice on what action is to be taken in the event of an emergency e.g. first aid provision, means of calling an ambulance. They should be provided with contact details for emergencies and informed of procedures for reporting accidents or safety defects.

2A Fire safety

Prevention

2.4 Information and advice should be provided to students at the beginning of their period of occupation on such matters as:

- Their role in the avoidance of fire risks.
- Cooking.
- Electrical safety – particularly voltage differences.
- The dangers of using candles or storing flammable material.

- Disciplinary action that may be taken if fire alarms or fire fighting equipment is mis-used.

- Fire extinguishers.

Essential information should be posted in kitchens and communal areas and this, together with more general information, should be available in printed form and/or on web sites.

Detection and alarm

2.5 Fire safety systems must be maintained in working order and regularly tested in accordance with regulations relating to each particular piece of equipment and each building type. The design and detail of systems in existing buildings will be determined in accordance with a fire safety risk assessment and in consultation with the fire authority.

Specifically:

- Fire alarm systems should be tested weekly at pre-arranged times (but see paragraph xix) of this Code.

- A record of fire alarm testing and inspection should be maintained.

- At the beginning of their period of occupation students should be provided with information on fire safety and good practice. Advice on action to be taken in case of fire including fire containment procedures should be prominently displayed.

- Any fire extinguishing equipment provided should be properly maintained.

Escape

2.6 The means of fire escape – internal and external – should be maintained and be available at all times. The design and detail of systems in existing buildings will be determined in accordance with a fire safety risk assessment and in consultation with the fire authority. Safety systems such as:

- Emergency lighting.

- Emergency secondary power supplies such as generators and battery back up systems.

- Fire door integrity including door closures.

- Automatic door release mechanisms.

- Emergency escape ironmongery such as push bars.

should be regularly tested in accordance with the appropriate British Standard.

2.7 Fire evacuation practices should be conducted at the beginning of each academic year in accordance with arrangements for particular buildings and fire detection systems agreed with the local fire authority. A record should be maintained.

2.8 So as to ensure safe evacuation of properties in the event of fire, safe access and egress must be maintained – including corridors, landings, stairs and hallways.

2.9 Students with disabilities should make themselves known at the beginning of their first term or as soon as otherwise practicable so that they may be advised of any special arrangements (e.g. personal evacuation plans) which are in place for them in case of fire or other emergency.

2B Electricity and gas supplies

2.10 Except in the case of emergencies or essential maintenance, electricity and gas supplies and lighting must be maintained without interruption. Gas and electrical installations must be properly maintained and tested in accordance with gas safety regulations and British Standards.

2.11 Instructions should be provided on the safe operation of all gas or electrically operated equipment.

Gas Installations

2.12 All gas supplies, distribution pipe work and gas fired appliances must comply with the relevant gas safety regulations.

2.13 All gas appliances must have an annual gas safety check undertaken by a CORGI registered gas installer. A copy of the safety certificate must be available in accordance with the regulations.

2.14 Where students need to operate controls for gas fired central heating or hot water systems, simple and precise instructions for their safe and efficient use must be available.

Electrical Installations

2.15 All electrical installations including fixed equipment must be installed and maintained in accordance with the most recent version of the Institute of Electrical Engineers (IEE) Regulations.

2.16 All building electrical installations must be inspected and tested in accordance with the IEE Regulations, currently at least every 5 years, and the results recorded in an appropriate register.

Electric Heating

2.17 Where rooms are provided with fixed electric heating, instructions on the use of the equipment should be available.

Portable Appliance Testing (PAT)

2.18 All portable appliances supplied by an HEE, or used in the premises by HEE staff, should be inspected and maintained in accordance with an establishment's PAT policy. Where arrangements exist for the testing of students' personal electrical equipment these should be set down in the PAT policy.

2.19 It will be a requirement in every tenancy or licensing agreement for the student to maintain a reasonably safe environment for the HEE's employees who may have to enter the premises e.g. ensuring that cables to personal electrical equipment are safe.

2.20 There should be a procedure for dealing with any potentially dangerous personal electrical equipment. This might include labeling as unsafe, an instruction to remove, or, in extreme cases, removal to safe keeping or disabling.

Water Supplies

2.21 All premises must be provided with hot and cold water to appropriately marked taps. Any cold water supply that is not drinkable should be clearly identified.

Waste water

2.22 All waste water must be removed via an appropriate trapped connection to the sewerage system.

Water Hygiene

2.23 Hot and cold water services must be installed, monitored and maintained in accordance with HSE requirements.

Lighting

2.24 Lighting should be provided in accordance with the Chartered Institution of Building Services Engineers (CIBSE) recommendations. In study bedrooms the recommended level of illumination may be achieved by the use of local task lighting.

2C Security

Building and room security

2.25 Students' accommodation should be secure against intrusion. Subject to local risk assessment, main entrance and individual bedroom doors should be lockable, the main entrance door being accessible by all student tenants of the building and bedroom doors accessible only by the student occupant. Arrangements for access in the event of lost keys etc should be set out in the students' welcome pack.

2.26 Windows should not present a safety hazard. All ground and first floor windows must be securable by the student. Subject to local risk assessment, all windows should be fitted with stops to prevent over-opening.

Security staff

2.27 Security staff should be appropriately identified. Staff should be subject to vetting under the relevant legislation. Security and other staff accessing bedrooms in the absence of the student should be required to keep a log recording the reason for access.

Security Plan

2.28 HEEs should have a security plan which identifies the general approach to security matters. The plan should include procedures in the event of an emergency e.g. bomb alert, summoning ambulance.

CCTV

2.29 Wherever student residences are monitored by CCTV this will be advised in the foyer or on the external entrance to the building. Installation and operation will be in accordance with the relevant legislation.

2D Kitchen facilities, food storage, washing facilities, furnishing, cleaning routines and other matters

Kitchen

2.30 All kitchen facilities should be maintained in good order and repair with all equipment supplied in working order. Facilities for the preparation, cooking and storage of food should be appropriate to the number of students using the facilities. Users' instructions should be available.

Food storage

2.31 Cold storage provision should be made available within self-catering properties and where necessary locks to prevent pilfering should be fitted.

Bathroom, toilet and shower areas

2.32 These areas should be provided with adequate ventilation and slip-resistant flooring. All sanitary ware should be in good working order and free from cracks and breaks. All toilets should be provided with fitted toilet seat. Shower curtains or screens should be provided as appropriate.

En-suite facilities

2.33 Where provided, these should comprise sanitary ware located within a study bedroom or between two adjacent single study bedrooms for the sole use of the resident(s) of the room(s). The facility, although contained in the room, should have ventilation and an entrance door fitted making it a self contained unit.

Furnishing quality

2.34 Decor should be in good order with regular checks taken on defects and refurbishment programmes. All furnishings provided must conform to the relevant regulations. All bedrooms should be fitted as a minimum with bed, mattress, worktop, chair, curtains/blind, drawers/shelving, wardrobe and waste receptacle.

Cleaning

2.35 Students should be advised of cleaning schedules. These should include property cleaning and student responsibility for cleaning of property. All rooms should be prepared for the start of occupancy in accordance with a service level statement.

Laundry facilities

2.36 Where provided, these should be in good working order. Instructions, including fault reporting and emergency procedures, should be available.

Energy

2.37 When consistent with safety considerations and in the light of local risk assessment, lights in public areas should be governed by time control switches. HEEs should encourage users to switch off lights and electrical devices when they are not required. [See Environmental Quality, Section 4, below]

Post/Mail

2.38 Personal items of mail should be received on site and arrangements made for collection by, or distribution to, residents. Local agreements with Royal Mail may be in place for the delivery of letters and parcels. All distribution and collection details should be clearly displayed within the property. At the end of the contract period all uncollected or undeliverable mail should be returned, as far as is practicable, to sender.

3. Maintenance and repair regimes

Approved contractors

3.1 Where an HEE is directly responsible for repairs and maintenance these should be carried out by appropriately identified HEE employed staff or external contractors from the HEE's approved list.

Response times

3.2 A service level statement (SLS), or equivalent, on reporting and rectification of building defects should be available. The SLS should set down response times in the priority categories – emergency, urgent and non urgent.

Planned maintenance

3.3 All maintenance works should be undertaken so as to minimise inconvenience to residents. This will not always be possible with unplanned (reactive) maintenance. For planned maintenance 7 days notice should normally be given to residents; endeavours should be made to avoid sensitive periods such as examinations.

Construction quality

3.4 All properties must be constructed, altered or refurbished, and maintained, in accordance with the appropriate building, planning and housing legislation. The relevant approval notices and certificates should be available for inspection by prior arrangement.

Grounds maintenance

3.5 All planting and fences around residences should be maintained to be tidy and to minimise opportunities for concealment of intruders. Principal pathways and car parks should be hard paved (or have another suitable surface) and should be illuminated appropriately for the environment.

Litter clearance

3.6 Grounds should be cleared of rubbish and litter on a regular basis as provided in the relevant service level statement, or equivalent. Students will be expected to behave responsibly and to avoid causing, or adding to, litter.

Snow and ice clearance policies

3.7 Policies on snow and ice clearance should specify expected clearance times and should be displayed in a communal area and/or on the appropriate web site.

4. Environmental Quality

Energy Efficiency

4.1 Adequate heating, hot water and ventilation should be provided for each bedroom, social space, kitchen and shower/bath room. Minimum internal air temperatures and hot water temperatures should be identified in an HEE's energy management policy. Students should be encouraged to be environmentally responsible in their consumption of energy and water.

Refuse Collection

4.2 Provision must be made for the collection of all domestic refuse generated from residences. Details should be set out in a refuse management plan and notices on collection arrangements should be placed in appropriate common areas.

Recycling

4.3 Where local authority or private recycling schemes exist every effort should be made to encourage residents to take advantage of these provided it is viable to do so. Details of recycling arrangements should be contained in the HEE's environmental policy.

Car Parking

4.4 Students should be advised of car parking policies. Where relevant, arrangements regarding car parking should be set down in the HEE's transport policy. This policy should also contain information on the availability of bicycle and motor cycle parking and on public transport.

Good neighbour policy

4.5 Students will be expected to be mindful of the proximity of neighbours both within properties and in the wider community. Student disciplinary regulations set down the procedures that may apply in the case of any alleged nuisance caused by students. (See also Section 7).

5. Landlord and tenant relationship

5A Policies and Procedures

5.1 HEEs should have clear and coherent policies and procedures in place on the relationship between managers, as landlords, and students, as tenants or licensees. These should be made available, in summary form, to all prospective residents in advance of students entering into a contractual relationship with the HEE for residential accommodation.

5.2 Policies and procedures should include information on:

- **Application** for, and **allocation** of, residential accommodation.
- **Charges for accommodation:** how accommodation charges for each academic session are determined, and which body within the establishment has responsibility for setting charges.
- **Collection of charges:** including any additional costs that may be incurred by a resident e.g. late payment charges, debt pursuance charges, debt arrears penalties; and any discounts that may be available and the terms under which these are offered.
- **Damage deposits**/caution fees: how any scheme operated by the HEE is administered and specifically: how much, when/how to be paid, what they are used for, and when/how balances are to be returned.
- **Termination** and **cancellation** of a residential contract.

- **Complaints** involving in the first instance the HEE's accommodation service, a right of appeal on unresolved issues using the establishment's complaints procedure, and, if necessary, reference to the Office of the Independent Adjudicator – see Section 8 and Appendix C of this Code.

- **Inventories:** availability, in each room, at the start of the period of residence.

- **Access to study bedrooms** stipulating who has access, prior notice of entry and reasons for access.

- **Defect reporting/maintenance:** defect reporting procedures including who to contact and intended timescales for rectification.

- **Non residents/guests:** access by non-residents and/or guests.

5.3 Information on the respective roles and responsibilities of the HEE and students should be readily available at the commencement and end of any contract period.

5B Communication between manager and student

Advance Information

5.4 So that students may make informed decisions on their choice of accommodation HEEs should provide clear and accurate information to prospective residents. This should be as comprehensive as possible and include:

- A statement on eligibility to apply for accommodation.

- Application forms appropriate to the type(s) of accommodation available.

- The application process for residential accommodation.

- Number of rooms available of different types.

- Charges applicable to each room type and payment terms.

- Length of the contract period for each room type.

- Any allocations policy that may be in operation.

- The terms of residency that apply including landlord and tenant/licensee obligations.

- Availability, if any, of parking bays and cycle storage.

Induction Briefing

5.5 HEEs should provide an induction briefing or issue induction literature at the beginning of occupation. This should include advice on issues such as health, safety (e.g. fire evacuation procedures) and welfare matters and guidance on communal living.

Management structure and contact details

5.6 At the commencement of occupancy HEEs should provide information on the management structure for residential accommodation, together with contact details of duty officers/wardens/security staff, and also, as appropriate, any central accommodation office, maintenance office or halls office.

Insurance liabilities

5.7 HEEs should provide a statement outlining the extent of their own insurance liabilities in respect of a student's belongings and personal items.

5C Contractual Relationship

5.8 The nature of the contractual relationship between an HEE as landlord and students as tenants or licensees should be set out as clearly and concisely as possible.

Residential contract

5.9 HEEs should provide an appropriate contract which the HEE (as landlord) and the student (as tenant or licensee) will enter into.

5.10 The contract should include, or make reference to any specific terms of residency that may apply. The HEE should provide the student with a copy of the contract.

5.11 The student handbook should set out clearly what each party can reasonably expect of each other as regards conduct, communication, behaviour and mutual respect.

6. Student Support

Welfare

6.1 HEEs should ensure that there is provision for students seeking welfare or financial advice or counseling related, in particular, to their accommodation.

Counselling

6.2 HEEs should ensure that there are arrangements for out of hours emergency support (e.g. through provision of personal tutors, wardens or other pastoral provision or security staff).

Health

6.3 HEEs should encourage registration with the local health service or a local GP or, where these exist, with their own medical services. They should have procedures in place to deal with notifiable diseases.

7. Anti Social Behaviour and Disciplinary Procedures

7.1 Properties should be managed so as to help prevent, or deal effectively with, any anti-social behaviour[5] by tenants or their visitors. Where necessary, a response strategy should be prepared in liaison with the police.

Conduct

7.2 Students should act in a fit and proper manner at all times and have consideration for their neighbours – both their fellow students and the local community.

Behaviour

7.3 Students should be made aware of the HEE's code of behaviour and disciplinary procedures. Any behaviour bringing the HEE's name into disrepute may be dealt with under disciplinary procedures; other authorities may be notified of offending conduct if necessary.

Care of premises and their surroundings

7.4 Students should make every effort to ensure that their property and its immediate surroundings are used in a manner that retains it in the general condition of their first occupation.

8. Administration, accreditation and compliance

8.1 HEEs are long established, self-managing organizations. Independent governing bodies oversee their management. Guidance from the Higher Education Funding Council (HEFCE) and the Welsh Funding Council (WFC) means that all establishments are subject to a regular internal audit on which reports are made to governing bodies. In addition it is a requirement that establishments' external auditors review all aspects of their management. Findings on the quality of management are included in the annual reports that are lodged with the HEFCE or the WFC. HEEs have well-established mechanisms for dealing with complaints from students on accommodation issues.

8.2 Given the existing framework of HEE management, establishments will be the primarily accountable bodies for the operation of the Code. Administration by the coordinating body (Universities UK) will include updating the code and drawing together establishments' reports, stakeholder feedback and other forms of monitoring. The Standing Committee (see below) will consider cases of alleged non-compliance and may make more general provision for independent checks on compliance. If the circumstances justify such action, it may decide that an HEE is no longer compliant with the Code in respect of some or all of its student accommodation. Appendix D to this Code outlines the audit and compliance process.

5 The term anti social behaviour is used here in a general and not a specific statutory sense.

Administration

8.3 Universities UK will have overall responsibility for administering the Code of Practice. This will involve the following:

- **Maintaining a full record** of all establishments who have signed up to the Code, and the buildings covered by the Code for each establishment and ensuring that the record is publicly available.

- **Liaison with ANUK** to ensure satisfactory management of the dual-code arrangement in the sector – this will include membership of the ANUK management committee.

8.4 **Periodic review** will be undertaken by a standing committee with representation from relevant stakeholder groups including; university senior management; specialist professions in the sector; students; ODPM; ANUK; LGA. In order to ensure that the Code is updated as appropriate, establishments will be asked to provide summary information to the Committee regarding the following:

- Significant complaints made by students to establishments which relate to non-observance of the code of practice. It is suggested that "significant" in this context, refers to complaints that have escalated to a senior body within the establishment, or have been referred to the Office of the Independent Adjudicator (see Appendix C).

- Cases of non-compliance with the code identified by the establishment's external and internal auditors.

8.5 In addition the Committee will receive reports directly from the Office of the Independent Adjudicator, the Housing Ombudsman Service and the Local Government Association on any reported breaches of the code.

8.6 Having regard to the reports of these bodies, audit reports and complaints submitted to it, the Committee will consider cases of alleged non-compliance and if necessary undertake further investigation. The Committee may make proposals to help remedy any identified defects in an HEE's management of its student accommodation. In cases of serious or persistent management failure the Committee may decide that an HEE is no longer compliant with the Code in respect of some or all of its student accommodation. In such a case the fact that a building has been removed from the Schedule must be brought to the attention of the local housing authority in whose area the building is situated.

8.7 Adoption of the Code by an establishment involves the following responsibilities:

- The establishment should submit to UUK a list of all the buildings which it manages or controls which are covered by the Code. This list should be updated by the establishment, and UUK notified, on an annual basis.

- These buildings should meet the standards, and accord with the procedures, set out in the Code and in relevant legislation.

- There may be some student residential accommodation which is managed or controlled by an HEE which does not comply with this Code and falls within the scope of mandatory licensing. It is a condition of accreditation within this Code that the establishment licenses this accommodation with their local authority.

- Establishments should ensure that an appropriate complaints mechanism is in place and that this mechanism is suitably integrated into wider complaints mechanisms in the institution. Establishments are required (on request, in the context of periodic review of the Code) to supply, anonymised as regards students, summary information to Universities UK on any significant complaints relating to the institution's operation of the Code.

- Establishments are required to ensure that internal and external auditors consider the establishment's management of its student accommodation in relation to the Code. Significant cases of non-compliance should be included in the annual report to HEFCE and should also be reported (on request, in the context of periodic review of the Code) to Universities UK.

- There may be isolated cases where audit and/or complaints processes and/or local inspections reveal significant systemic failure in the management of student accommodation. In these cases the establishment is required to remove some or all of its buildings from accreditation by the code and submit them for mandatory licensing.

Appendix A

What is "managed or controlled"?

Whether a building is managed or controlled by an educational establishment may be determined by reference to the table below.

Name of Building: _____

	Available	Who	Provider	Points	Educational Establishment	Points
Marketing	1	Both	yes	1	yes	1
Rent Collection	1	Both	yes	1	yes	1
Tenancy	6	Both	yes	6	yes	6
Hard FM	2	Both	yes	2	yes	2
Soft FM						
Cleaning	1	Both	yes	1	yes	1
Security	1	Both	yes	1	yes	1
Repairs	1	Both	yes	1	yes	1
Health and Safety Routines	1	Both	yes	1	yes	1
Out of Hours Services	1	Both	yes	1	yes	1
Tenancy Relations	2	Both	yes	2	yes	2
Residential Cover	1	Both	yes	1	yes	1
Total Points				**18**		**18**

Where the number of points under "educational establishment" exceeds that of "provider" the building is deemed to be managed or controlled by the HEE.

Appendix B

Outline of principal relevant provisions in the Housing Act 2004

Note this appendix is included so as provide managers with a simplified account of the legal context for codes of practice. Some sections of the fact sheets on the Act produced by the ODPM are incorporated directly. The Appendix is NOT an authoritative statement of the law.

Housing standards

1. The Act (Part 1) replaces the former test of "fitness" with a new system for assessing housing conditions – the Housing Health and Safety Rating System (HHSRS). The system may be applied to any type of dwelling. There is no exemption for HE controlled or managed housing or, indeed, for any other category of housing.

2. HHSRS is an evidence-based risk assessment of risks to health and safety in residential premises. The purpose of the assessment is to provide objective information upon which local authorities can base decisions on enforcement.

3. HHSRS provides a rating for each of twenty nine categories of housing hazard. It does *not* provide a single rating for the dwelling as a whole or, in the case of houses in multiple occupation, for the building as a whole. The rating is expressed though a numerical score. Assessment is based on the risk to the *potential occupant who is most vulnerable to that hazard.* For example, stairs constitute a greater risk to the elderly, so for assessing hazards relating to stairs they are considered the most vulnerable group.

4. Action by authorities, ranging from an improvement notice to a demolition order, will be based on a three-stage consideration: (a) the hazard rating determined under HHSRS; (b) whether the authority has a duty or power to act, determined by the presence of a hazard above or below a threshold prescribed by regulations; and (c) the authority's judgement as to the most appropriate course of action to deal with the hazard.

5. Authorities are advised to take account of the vulnerability of the *actual* (rather than potential) occupant in deciding the best course of action.

Licensing of houses in multiple occupation (HMOs)

6. Part 2 of the Act is concerned with licensing of houses in multiple occupation – the requirement for these to be licensed, procedures for grant or refusal of licenses and related matters. There is a new definition of a house in multiple occupation (HMO): in essence a house or flat occupied by more than one household where the households share one or more basic amenities. (Section 254) Certain categories of housing which would meet these criteria may be excluded from the definition however. Such categories are, in the terms of the Act, "excepted accommodation". (Section 254(5) and Schedule 14) – see paragraphs 11ff. below.

7. Licensing will be mandatory for larger, higher risk HMOs, in general those of three storeys or more and occupied by five or more people comprising two or more households. This reflects the Government's policy objective of concentrating on housing where the risk to occupants' health and safety is greatest.

8. The Act provides that the appropriate national authority may by order prescribe descriptions of HMOs that are to be licensed.

9. Part 3 of the Act provides for selective licensing. A local housing authority may make a licensing scheme providing certain conditions are met and subject to approval by the national authority. One of the conditions is: "An area is experiencing a significant and persistent problem caused by anti-social behaviour and that some or all private sector landlords in the area are not taking appropriate action to combat the problem and the LHA is satisfied the introduction of licensing, when combined with other measures taken by the LHA or in conjunction with others, will lead to a reduction or elimination of the problem".

10. HE accommodation excepted from general licensing provisions will be excepted also from selective licensing.

Codes of practice

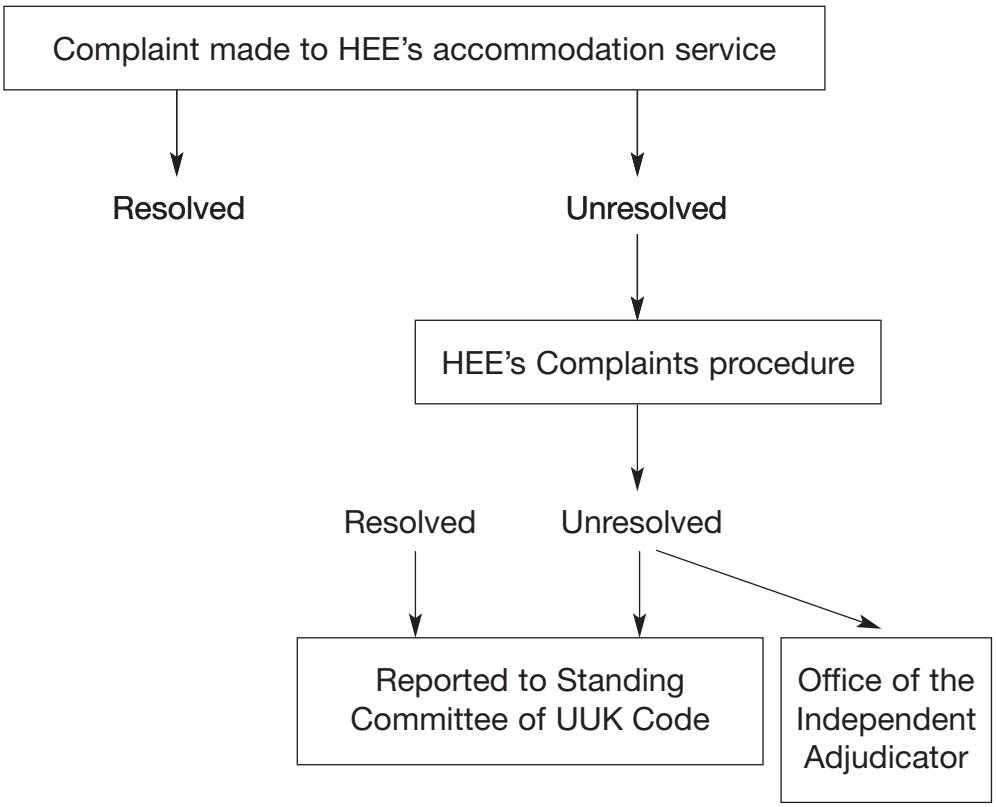
11. The national authority may except from the definition of an HMO, for the purposes of licensing, accommodation managed or controlled by higher or further education establishments where the accommodation is used solely or principally by persons for the purpose of undertaking a full time course of further or higher education. (Section 254(5) and Schedule 14, paragraph 4). Regulations will specify "a particular educational establishment or a particular description of educational establishments" that will not be treated as an HMO.

12. "Exception" is on the basis that each establishment and its buildings so excepted will be managed in conformity with an approved code of practice. (Section 233). Codes set out standards of conduct and practice to be followed with regard to the management of HMOs or of accommodation excepted from the definition of HMO.

13. In the absence of these provisions many buildings occupied by students and managed or controlled by HEEs would be liable to licensing (paragraphs 6-10 above). The Act's provisions on housing standards however do apply to all forms of student housing (paragraphs 1-5 above).

Appendix C

Complaints procedure



Appendix D

Audit and compliance process

Within the higher education establishment

1. Internal audit report on management of accommodation reviewed by governing body.

2. External audit report on management of accommodation reviewed by governing body.

3. In cases where non-compliance with the Code is identified preparation of an action plan setting out how deficiencies are to be remedied.

Standing Committee on UUK Code

4. Receives information on cases of non-compliance identified in 1 or 2 above.

5. Receives information on complaints referred to a senior body within an HEE or to the Office of the Independent Adjudicator (OIA).

6. Receives reports from the OIA, the Housing Ombudsman Service and the Local Government Association.

Action by the Standing Committee

7. In the light of information and reports received (3-5 above) the Committee may:

   - Determine that no further action is needed.

   - Make proposals to the HEE on steps to be taken to remedy identified defects in accommodation management.

   - Make independent checks on compliance.

   - Determine that the establishment is no longer in compliance with the Code in respect of one or more of the buildings listed in the Schedule to the Code.

SCHEDULE OF PROPERTIES

HEEs should list here all the buildings that they manage or control (determined by reference to Appendix A) and which are covered by this Code. These buildings should meet the standards, and accord with the procedures, set out in the Code. The list should be updated by the establishment on an annual basis.

Part 1 should contain buildings that, were it not for the excepted status of the establishment, would be subject to licensing as houses in multiple occupation. (See Appendix B for an outline of what accommodation would be otherwise subject to licensing). Part 2 should list all other buildings to which the Code applies.

There may be some student residential accommodation which is managed or controlled by an HEE which does not comply with this code and falls within the scope of *mandatory* licensing. (See paragraph 7 of Appendix B). It is a condition of accreditation within this Code that the establishment licenses this accommodation as required by their local authority.

Name of establishment _____

Part 1 Buildings, managed or controlled by the establishment, that are compliant with this Code which would otherwise be subject to HMO licensing:

Name	Type of property (e.g. hall of residence, flatted accommodation, single house, other – please state)	No. bed spaces
_____		_____
_____	_____	

Part 2 Other buildings, managed or controlled by the establishment, that are compliant with this Code:

Name	Type of property (e.g. hall of residence, flatted accommodation, single house, other – please state)	No. bed spaces
_____		_____
_____	_____	

Annex D: Accreditation Network UK Code of Practice for Student Accommodation Managed by Higher Education Establishments

Code of Standards for Larger Developments

for student accommodation managed and controlled by educational establishments

2005

CODE OF STANDARDS FOR LARGER DEVELOPMENTS

Introduction

This Code establishes a set of specific standards with particular relevance to larger developments tenanted by students. The definition of "larger development" is a development where in excess of 25 students live in one building, in rooms off a central corridor, in cluster flats, or in self contained flats.

This Code is specifically designed for student accommodation that is occupies solely or principally by persons for the purpose of undertaking a full time course of further or higher education at the establishment providing the accommodation.

Larger developments have particular needs and procedures relating to their ongoing management and this Code reflects their specialist status as an important part of the student accommodation supply.

The purpose of the National Code is to enable educational establishments and students to agree a transparent and useful set of undertakings about how they wish to do business with one another.

The criteria in the Code have been chosen to reflect a balance of common sense obligations and responsibilities between the managers of larger student accommodation buildings and tenants and set benchmark standards which are achievable by managers without significant expenditure of time and money and without prejudice to their respective legal rights.

Compliance with the Code will ensure that:

- Both managers and tenants enjoy the benefit of good standards of housing management and practice.
- Misunderstandings and disputes are reduced.
- Where problems do occur they are promptly resolved.

In all cases the fact that an educational establishment has agreed to comply with the Code will be made explicit on letting and marketing materials and tenant information and the Code will be actively and positively promoted amongst students.

The Code enjoys the support of the National Union of Students (NUS), the Office of the Deputy Prime Minister, The Accreditation Network UK (ANUK), the Chartered Institute of Environmental Health Officers (CIEH), and UniversitiesUK, its secretariat is based at Unipol Student Homes. The customer service reputation of those that maintain compliance will be enhanced in contrast to those that either choose not to operate within such a Code or fail to honour their agreement to work within it.

Adoption of the Code by an establishment is entirely voluntary. Making a commitment to abide by the Code is a serious matter and a failure to meet such a commitment is a breach of faith. The National Code Committee of Management undertakes a number of verification and compliance tests for the purpose of ascertaining compliance with the Code and tenants can complain where they feel a breach has occurred.

Determination of Whether a Development is Managed and Controlled by an Educational Establishment

Many larger student accommodation developments are undertaken in partnership between a provider of services and an educational establishment. In order to determine whether a building is managed and controlled by an educational establishment, a framework of test questions has been developed.

The answer to each question attracts a number of points. The points are loaded to reflect the importance of each item as determining control and management. *For the purposes of determining eligibility to sign this particular Code, the educational establishment must have the higher score.*

The scoring system and guidelines for answering the questions can be found in annex 1 at the end of the Code.

Legislative Implications

By agreeing to abide by this Code, educational establishments may be exempt from HMO Licensing under the Housing Act 2004.

Section 233 of the Housing Act 2004 provides that the appropriate national authority (the Secretary of State in England or The National Assembly for Wales) may by order approve a code of practice (whether prepared by that authority or another person) laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation or of accommodation excepted from the definition of HMO for all purposes of the Housing Act 2004 other than Part 1. Approval of a code under Section 233 of the Housing Act 2004 does not have the effect of making a breach of that code an offence nor does breach create a civil liability. However, the code may be used as evidence of good practice by a court or tribunal. The Code itself in no way compromises any legal action that either the tenant or the educational establishment may wish to take separately: it provides an additional voluntary layer of rights and responsibilities.

There is a discretion for the appropriate national authority to exclude from the definition of an HMO, for the purposes of licensing, a university or other higher education establishment-managed or controlled accommodation (under section 254(5) and Schedule 14, paragraph 4 of that Act). They may be excluded on the basis that each establishment and its buildings so excluded would be managed in conformity with a code of practice approved under section 233.

This is a code which, subject to approval under section 233, is intended to apply to student accommodation managed or controlled by educational establishments that may be excepted from the definition of HMO for all purposes of the Housing Act 2004 other than Part 1.

Dwellings with less than 25 occupants are not covered by this Code and are not therefore excepted from the definition of an HMO under Schedule 14, paragraph 4 of that Act and normal licensing provisions through the Local Authority apply.

The secretariat for the National Code of Standards and the Committee of Management is based at Unipol Student Homes, 155-157 Woodhouse Lane, Leeds LS2 3ED and the National Code Administrator can be contacted there.

Telephone 0113 243 0169
Fax 0113 234 3549
info@unipol.leeds.ac.uk
www.unipol.leeds.ac.uk or www.anuk.org.uk

Registered Charity No 1063492

1. Equal Opportunities

1.0 Managers will ensure that all accommodation allocation procedures comply with any existent equal opportunities policies that apply to their educational establishment. Where these do not exist, the educational establishment will ensure that no person or group of persons applying for accommodation will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin, gender, disability, appearance, age, marital status, sexual orientation or social status.

1.01 As part of its commitment to assist those with disabilities, it is agreed that charges for rooms adapted for use by students with disabilities do not exceed the normal room rate for that development.

2. Marketing prior to letting property to tenants

Managers will ensure that:

2.00 All property details are reported accurately without misrepresentation to prospective tenants. This will include details provided in prospectuses, brochures and websites.

2.01 All prospective tenants are informed about any contractual terms under which the property is offered, including those relating to any fees payable in addition to rent, such as booking fees, utility charges, deposits, insurance, web or telephone costs.

2.02 Where a booking fee is charged that fee is a standard published fee for all tenants and information will be provided on: the cost of the fee, the nature of the reservation being made, arrangements for cancelling the booking and returning the fee, the point at which the fee would not be returned if a tenancy was not entered into, the manner in which the booking fee will be returned to the tenant when a tenancy is entered into. In all cases a receipt will be given to a tenant for the booking fee and the conditions of levying and returning, or not returning, that fee will be stated on that receipt.

2.03 No other monies for deposits or rent are demanded prior to the signing and exchange of any letting agreement.

2.04 All tenants are provided with a written copy of the letting agreement at the time they sign that agreement or at the time that they pay any booking fee or deposit.

2.05 Any contracts used do not include terms that are in breach of the Unfair Terms in Contracts Regulations 1999.

2.06 Where a building is new, or undergoing refurbishment and the building programme is running late and where this may result in pre-let rooms not being ready for occupancy, the manager informs the future tenant at the earliest possibility of this likelihood and its consequences for them.

2.07 In the event that a room is not ready for occupation on the date that the tenancy begins then a suitable alternative room is provided, by the educational establishment, in an adjacent building or, in any event, in a building within half a mile of the original development. The replacement facility must provide an equivalent level of services and amenities previously contracted for. If an alternative room is not available on the terms above then a hotel room will be secured and any amount paid for rent during the period of temporary occupancy will be refunded to the tenant by the educational establishment. If no self-catering facilities are provided in any accommodation offered then breakfast and one other meal will be provided, or arrangements for receiving these meals will be provided.

Rent Liability

Managers will ensure that:

2.08 Prospective tenants are issued with a clear statement of the rent due to be paid, including the dates, amounts and methods of payments due to be made during the contract.

2.09 Prospective tenants are issued with written receipts for all monies received, whether in payment for rent, deposit, utility or service charges. Where any transactions are undertaken in cash a written receipt will always be provided by the manager.

Contact Details for Staff and Student Care

Managers will ensure that:

2.10 The name, address and any email address of those responsible for the management function of the building, together with a standard notice affirming membership of this Code (supplied at the time of signing) will be clearly displayed on a fixed notice board located either in the entrance lobby or a common facility in the development. If there is no main lobby then this will be affixed to the wall at the bottom of the main stairwell to the building.

2.11 The name and contact details of all staff involved in the management of the development will be provided to tenants at the commencement of their tenancy, including the times that they will be available and specifying their duties.

Student care is an important part of the care package supplied to students by educational establishments. The establishment will ensure that:

2.12 A residential presence will be maintained in any development which houses in excess of 150 students and, where the development is larger there will be a minimum ratio of 1 residential presence for every 250 student occupants.

2.13 The residential presence can be a member of staff, or maybe a student, living in the premises for the period of a normal student tenancy.

2.14 Staff have a clear understanding of what their role is and what their duties are. Those details will have been provided to them at the point of engaging with those duties either in the form of a job description, personal specification or an agreement between the educational establishment and the person concerned. Those duties will also be made clear to student residents living within the building.

2.15 Staff receive at least 1 day structured training prior to commencing their responsibilities and establishments should ensure that this training includes information on who to contact in other agencies, statutory services and resources within the establishment itself. Also included in the training should be information about anti-social behaviour: how to identify it, respond to it and refer issues to others who can deal with this.

2.16 Staff have access to back-up from on-call staff in the event of a significant emergency and are provided with names and contact numbers of those staff.

State of Repair

Managers will ensure that:

2.17 All tenants are provided with an up-to-date inventory of their room/flat that indicates the state of repair of fixtures and fittings at the time their tenancy commenced. If no inventory is issued, no deductions from deposits will be made at the end of the tenancy in respect of the condition of the furniture and fittings. Where a standard furniture kit is available in all rooms in a development, a list of fixtures and fittings can be provided which would allow for deposit deductions in respect of items that are found to be missing from the room at the end of the tenancy period.

3. During the Tenancy

Ensuring Possession

Managers will ensure that:

3.00 Statutory notices requiring possession are served on existing tenants in order to mitigate any delay or hardship that may be caused to the manager or incoming tenants.

Access

Managers will ensure that:

3.01 Where access is required for routine inspections, each affected tenant receives notification of the date, time and purpose of the visit not less than 24 hours in advance, except in circumstances where issuance of such notice is impractical; and that tenant privacy and entitlement to quiet enjoyment is respected.

3.02 Where a building is under snagging and defects procedures being undertaken by the builder and work needs to be carried out on a regular basis tenants are informed of this and the timescale for the programme of works, in advance of those works. Where practical, the contractors and their subcontractors will be escorted by a representative of the educational establishment to ensure that access is properly ordered and that work being undertaken is not unduly disruptive of occupants. Contractors should not enter without the permission of the tenants.

3.03 Business is pursued in a professional, courteous and diligent manner at all times.

Fines

Managers will ensure that:

3.04 Tenants are not subject to an internal fining system within their tenancy arrangements. Costs of any damage caused by tenants will be deducted from any deposit held or by other means sanctioned by law.

Repairs and Maintenance

Managers will ensure that:

3.05 Tenants are provided with information about how to report any repair/maintenance issues and to whom these should be addressed.

3.06 The development is maintained in a way that complies with all statutory and local authority regulations relating to HMOs and/or purpose built developments.

3.07 Any repair or defect works that are required meet with the following performance standards:

- **Priority One – Emergency Repairs –** are completed within 24 hours of a report of a defect. These would be any repairs required to avoid a danger to health, a risk to the safety of residents or serious damage to buildings or residents belongings.

- **Priority Two – Urgent Repairs –** are completed within five working days of report of the defect. These would be any repairs which materially affect the comfort or convenience of the residents.

- **Priority Three – Non-Urgent Repairs –** are completed within 28 days of a report of a defect. These would be any repairs not falling within the above categories.

3.08 Maintenance and servicing programmes, such as gas appliance servicing, window and guttering cleaning, exterior and interior painting, are carried out in a planned and cyclical manner and with due regard to the convenience of tenants.

3.09 In a building with more than three floors, notice of external window cleaning and painting is given not less that 24 hours before those activities commence.

3.10 Where a dispute arises between the manager and tenant/s as to when a repair has been reported then the date on which the repair was reported to the manager in writing will be the accepted date.

3.11 Contractors will remove all redundant materials and debris from site on completion of works in a reasonable time and will behave in a professional and courteous manner at all times.

Cleaning and Maintenance of Communal Areas

Managers will ensure that:

3.12 Full details of the times for cleaning and maintaining communal areas are provided to tenants in writing or displayed on appropriate notice boards within the development.

Furniture and Storage Space

Managers will ensure that:

3.13 All study bedrooms contain a bed, adequate clothes storage space, a desk, chair, and curtains which are hung properly.

3.14 All furnishings and furniture are clean and in reasonable condition at the commencement of the tenancy and comply with the relevant fire safety legislative requirements relating to furniture and furnishings – Furniture and Furnishings (Fire) (Safety) Regulations 1988.

Kitchen Facilities

Managers will ensure that:

3.15 All kitchen facilities are designed and installed having regard to safety.

3.16 Food storage and preparation facilities comply with levels of provision laid down by the Local Authority Environmental Health Department for developments of this type.

3.17 Kitchens contain an adequate number of appropriately positioned plug sockets.

3.18 Kitchens are sited on the same level as the sleeping accommodation or have an adjacent dining or communal space where eating at a table can take place.

Toilet and Personal Washing Facilities

Managers will ensure that:

3.19 An adequate number of suitably located WCs, baths and/or showers are provided with a constant supply of hot and cold running water.

3.20 All WCs situated in tenants' rooms are properly compartmentalised, with adequate provision of natural or mechanical ventilation.

3.21 When a room is described as *en suite* this means that it has a bath/shower, wash basin and toilet which form a self contained amenity for the exclusive use of the tenant occupying that room and that this amenity is accessible without recourse to any corridor or passageway used by other occupants.

Laundry Facilities

Managers will ensure that:

3.22 Facilities are provided for the washing and drying of clothes. Where a launderette is provided the ratio of Washer/driers to tenants should be no greater than 1:75 and consideration should be given to the possibility of machine malfunction.

3.23 Where a laundrette is provided within a development and that facility is provided as an amenity in the particulars of the letting at the point of establishing a tenancy, details of the organisation responsible for the management and ownership of the laundrette are displayed and information on how to report repairs supplied to the tenants. If the facility is not accessible 24 hours a day then tenants will be informed about opening times.

Mail deliveries

Managers will ensure that:

3.24 Tenants are informed of procedures for the distribution of incoming mail and where it can be collected from. Tenants must be able to access their mailbox from a secure area, preferably accessible from within the building.

3.25 Where mail is not delivered through a letterbox into the room or flat of occupancy, then mail is delivered in conveniently located, lockable, secure, mailboxes.

3.26 Where the manager of the building is responsible for the distribution of mail, this is delivered on all normal Monday to Friday working days, not more than 24 hours from the time of the mail being delivered at the building. Mail received over public holidays and weekends must be delivered not later than 24 hours after a normal working day occurs. The manager is not required to take delivery of parcels and larger items of mail, but in these circumstances notification that such items can be collected from a central depository must be given within the timescale above. Where a manager accepts parcels then notification of these items must be given to tenants within the timescale above.

3.27 Tenants are informed of any mail forwarding arrangements not less than 14 days before the end of any tenancy. It is not necessary for managers to agree to forward mail but this must be made clear to tenants, in advance. Where no forwarding service is offered, undelivered mail must be returned to the sender with the notification “gone away” on each item.

4. Health and Safety

Housing Health and Safety Rating System

Managers will ensure that:

4.00 In consultation with the Local Authority, buildings are maintained in compliance with the requirements of Part I of the Housing Act 2004 (see appendix 3 dealing with the Housing Health and Safety Rating System).

Gas Appliances and Supply

Managers will ensure that:

4.01 All means of use and supply of mains gas and alterations and repairs to gas installations must comply with the current Gas Safety (Installation and Use) Regulations.

4.02 All gas appliances are serviced annually by a Council of Registered Gas Installers (CORGI) engineer and verification of this servicing within the development/flat is provided to each tenant.

4.03 Clear written instructions for the safe use of all central heating and hot water systems are provided to the tenants.

Electrical Installations and Appliances

Managers will ensure that:

4.04 They possess a current Periodic Inspection Report (based on Appendix 6 of BS 7671) showing that all electrical installations are in satisfactory condition. The inspection must be carried out by a competent electrical engineer (preferably National Inspection Council for Electrical Installation Contracting or Electrical Contractors Association) to show that the installation is safe and satisfactory and had been tested within the last 5 years.

4.05 All repairs and improvements to electrical installations comply with the current edition of the Institute of Electrical Engineers Wiring Regulations and meet with BS 7671.

4.06 Reasonable steps are taken to ensure that all electrical appliances provided by them are functioning effectively, in accordance with manufacturers' operational instructions, and in a safe manner. Portable Appliance Testing (PAT) would be one satisfactory method of ensuring this, another would be to install circuit breakers. Appliances must be regularly visually inspected for wear and tear by the managers and any defects remedied. Tenants are provided with information about how, and to whom, any defects should be reported.

4.07 Instructions for the safe use of all electrical appliances are provided to the tenants and isolator switches properly labelled.

4.08 When a room is described as having central heating, this comprises of a heater that can be controlled either within the room or flat, adjustable by a timer that allows control over a minimum 24 hour period. An electric panel heater with an on/off or booster switch that allows a preset period of use may be regarded as electric heating.

Energy Efficiency

Managers will ensure that:

4.09 All Developments built before 2002 are provided with a reasonable level of energy efficiency installations.

4.10 Tenants are given, on request, advice on how best to heat the accommodation and use hot water in an energy efficient way when using the facilities provided.

Fire Safety

Managers will ensure that:

4.11 All developments are provided with properly maintained fire safety installations, and instructions for their use, necessary to enable the tenants to safely evacuate the building in event of a fire where this is required. These will be provided with fire safety measures in accordance with current legislation and may include by way of example:

- a fire escape route with a minimum of 30 minutes fire resistance;
- an automatic fire alarm system;
- an emergency lighting system sited to protect the route of escape.

The design and detail of the measures are determined in accordance with a fire safety risk assessment and in consideration of the local authority's HMO standards.

4.12 Fire alarm and detection systems are maintained in proper working order, systems are tested regularly, and an annual inspection and test of the entire system is carried out by a suitably qualified engineer.

4.13 A log book or certificate is kept containing information on when the testing and inspection of the fire alarm system was carried out and by whom.

4.14 Documentation is available to certify that the fire alarm and emergency lighting systems have received annual checks and are in proper working condition.

4.15 Tenants are provided with clear written guidelines on the fire safety procedures, including details of the safety measures installed, why they are there, how they operate and what to do in the event of a fire.

4.16 Notices containing this information is displayed in all rooms and communal areas.

4.17 All exit routes within the building, such as hallways, landings and staircases, so far as they are under the control of the landlord and as far as reasonably practical, are maintained safe and unobstructed to enable evacuation of the dwelling in the event of fire.

Security Measures

Managers will ensure that:

4.18 External doors to the building are of strong, solid, safe construction and fitted with a secure locking system capable of being opened from the inside without use of a key (if an electronic system is installed then it will be programmed to open in event of a power failure). Door frames should be of a strong construction and well secured.

4.19 Any intercom entry systems prevents access to the building without the tenant being able to establish the identity of the caller.

4.20 Ground floor and upper storey windows accessible from ground level are of sound construction and fitted with a lockable system capable of being opened from the inside without the use of a key. Occupants of ground floor rooms will be provided with specific security information.

4.21 The building has a security plan detailing an appropriate level of management to maintain security standards and this plan can, on request, be shown to tenants. The plan should also stipulate what security information will be supplied to tenants.

The Environment

Managers will ensure that:

4.22 All developments are provided with adequate refuse disposal facilities for the number of occupants.

4.23 Where waste facilities are used by more than 10 tenants then a waste disposal plan exists for the building which can be consulted by tenants, on request. Tenants must be informed, not later than 24 hours of moving into the building, of waste collection arrangements. Where the local authority operates a recycling scheme, the waste disposal plan will conform to the relevant standards for recycling refuse.

4.24 The perimeter of all developments and any surrounding grounds are maintained in good order and are free of waste and litter as far as is reasonably practicable.

4.25 Where a garden area exists this is properly maintained and not be allowed to become overgrown. The path to and from all external doors will be kept in good repair and free from obstruction.

4.26 Where a garden or gardens exist these are retained as soft planted areas (this includes low maintenance gravelling with planting), although paths may be added. Plants and shrubs will be properly maintained and not be allowed to obstruct the pavements or other public areas surrounding the property.

4.27 Hedges and bushes are kept trimmed low wherever practical to avoid providing screening for criminal activities.

4.28 Neighbouring residents have access to and are eligible to use the complaints procedure (7.00 and 7.01). A neighbour is defined as a resident within the same or adjacent street within 200 metres of the property.

Communal Lighting

Managers will ensure that:

4.29 All internal and external communal areas are provided with adequate safe lighting.

4.30 Where light switches are fitted with automatic timers they allow sufficient time for tenants to reach their rooms or to exit the building before switching off.

4.31 No more than five lamps fail on external lighting before those lamps are replaced and no more than three lamps fail on stairwells and corridors before those lamps should have been replaced.

5. At the end of the Tenancy

Deposits

Managers will ensure that:

5.00 Deposits, where required, are administered efficiently and reasonably and are not withheld for any purpose other than for which they are levied.

5.01 Tenants are issued with clear written guidelines regarding the standard of cleaning and other arrangements that will be expected when the tenancy comes to an end.

5.02 Subject to paragraph 5.03, deposits are returned to former tenants within four weeks of the end of the tenancy.

5.03 Where monies from deposits have been retained to off set costs incurred, any remaining balance is returned within the timescale as set out in paragraph 5.02 together with a written statement of account providing details of all and any deductions that have been made.

References

Managers will ensure that:

5.04 Following a written request from a former tenant, a reference will be provided.

5.05 Letters of reference are based on the performance of the named individual during the period of the tenancy only, or in the case of a joint tenancy those within the tenancy.

6. Disputes

Where disputes arise with tenants, managers will ensure that:

6.00 They respond reasonably and promptly to tenants or their representatives. Where a parent of a tenant is making a complaint then the tenant will confirm in writing that this constitutes their representative.

6.01 They make written response to any correspondence from tenants or their representatives within three weeks of its receipt.

6.02 Any settlements or agreements reached are honoured within three weeks of the settlement being agreed.

6.03 They maintain courteous professional relations with tenants during any dispute.

7. Complaints

Managers will ensure that:

7.00 Within four weeks of receipt of any written complaint from a tenant (or their representative) they rectify any breach of this Code of Standards or, where any allegations are contested, enter into correspondence with the tenants or their representative (Appendix 2 describes the complaints resolution procedure).

7.01 Where such a breach is contested, or where rectification is not made in accordance with 7.00 above, they recognise the authority of a Tribunal which will determine whether or not a breach of the code has occurred and make recommendations accordingly. In the event that such recommendations are not followed by the manager then they will be deemed to be in breach of the Code and this fact will be made public to prospective tenants. The Tribunal will have the authority to exclude any owner from the Code.

Data Protection

All information concerning educational establishments operating developments displayed on the website in relation to complaints received under this code will comply with the principles of good practice for the handling of personal data. It will be fairly and lawfully processed, contain only adequate and relevant information about the complaint, accurately reflect the details of the complaint, remain on the website for no longer than three years, be processed in accordance with the data subject's rights, and will be held securely.

APPENDIX 1

Determination of whether a development is managed and controlled by an educational establishment

Many larger student accommodation developments are undertaken in partnership between a provider of services and an educational establishment. In order to determine whether a building is managed and controlled by an educational establishment, a framework of test questions has been developed.

Twelve questions are asked: the answer can be yes, responsible, no, not responsible or both are responsible. The answer to each question attracts the number of points, as follows:

Marketing	– 1 point
Rent Collection	– 1 point
Tenancy	– 6 points
Hard FM	– 2 points
Soft FM	
Cleaning	– 1 point
Security	– 1 point
Repairs	– 1 point
Health and Safety Routines	– 1 point
Out of Hours Services	– 1 point
Tenancy Relations	– 2 points
Residential Cover	– 1 point

The points are loaded to reflect the importance of each item as determining control and management.

There are a total of 18 points in all. The headings are scored according to an educational establishment or another provider. Whoever has the higher score determines who has control and management of the building.

For the purposes of determining eligibility to sign this particular Code, the educational establishment must have the higher score.

For a worked example of the method of determination see below.

Guidelines on Questions

The term "educational establishment" means just that and "provider" means an organisation other than the educational establishment providing the duties and services.

Marketing – reflects who is responsible for promoting and letting the building. If the development is an underwritten or formal nominations arrangement this would clearly be the educational establishment. Informal arrangements between educational establishments and a private supplier, where the supplier is also marketing the building directly would result in marketing being undertaken by the provider.

Rent Collection – reflects who collects the rent.

Tenancy – This reflects who the student tenant signs their tenancy with, the educational establishment or another provider. This is an important matter since it sets the legal framework for the whole letting.

HardFM – means the maintenance and replacement of the infrastructure of the building and its associated plant/equipment and buildings systems and can extend to the estate where the building is situated (including grounds and gardens).

Soft FM – means the services that are provided to the students occupying the building. There are seven questions related to aspects of those services:

Cleaning – who undertakes the cleaning, either of the residences or the communal areas?

Security – who undertakes the security, particularly out of hours security? Often this work is shared between a provider and an educational establishment, in which case points would be awarded to both.

Repairs – who undertakes any day to day repairs within the building?

Health and Safety Routines – who is responsible for health and safety routines: testing fire alarms, servicing safety equipment, undertaking a risk analysis of the building?

Out of Hours Services – who would deal with out of hours emergencies in respect of the building, for example, a power outage, a plumbing leak. This does not cover out of hours services to students offered under tenancy relations or residential cover?

Tenancy Relations – who would deal with tenant issues and support, for example, students wishing to leave, inter-tenant friction, noise and anti social behaviour, mental health problems?

Residential Cover – who provides over night residential cover to deal with tenant issues that occur overnight? This excludes security related matters dealt with above.

Further guidance can be obtained from the Code Administrator at any time before applying the test questions above.

This method of ascertaining management and control of a building has been adopted by both ANUK and UUK in order to provide a consistent and sensitive gateway that allows only educational establishments who both control and manage buildings to sign this or the UUK Code. The criteria will be reviewed periodically in the light of experience and more comprehensive guidelines will be issued where problem areas become apparent.

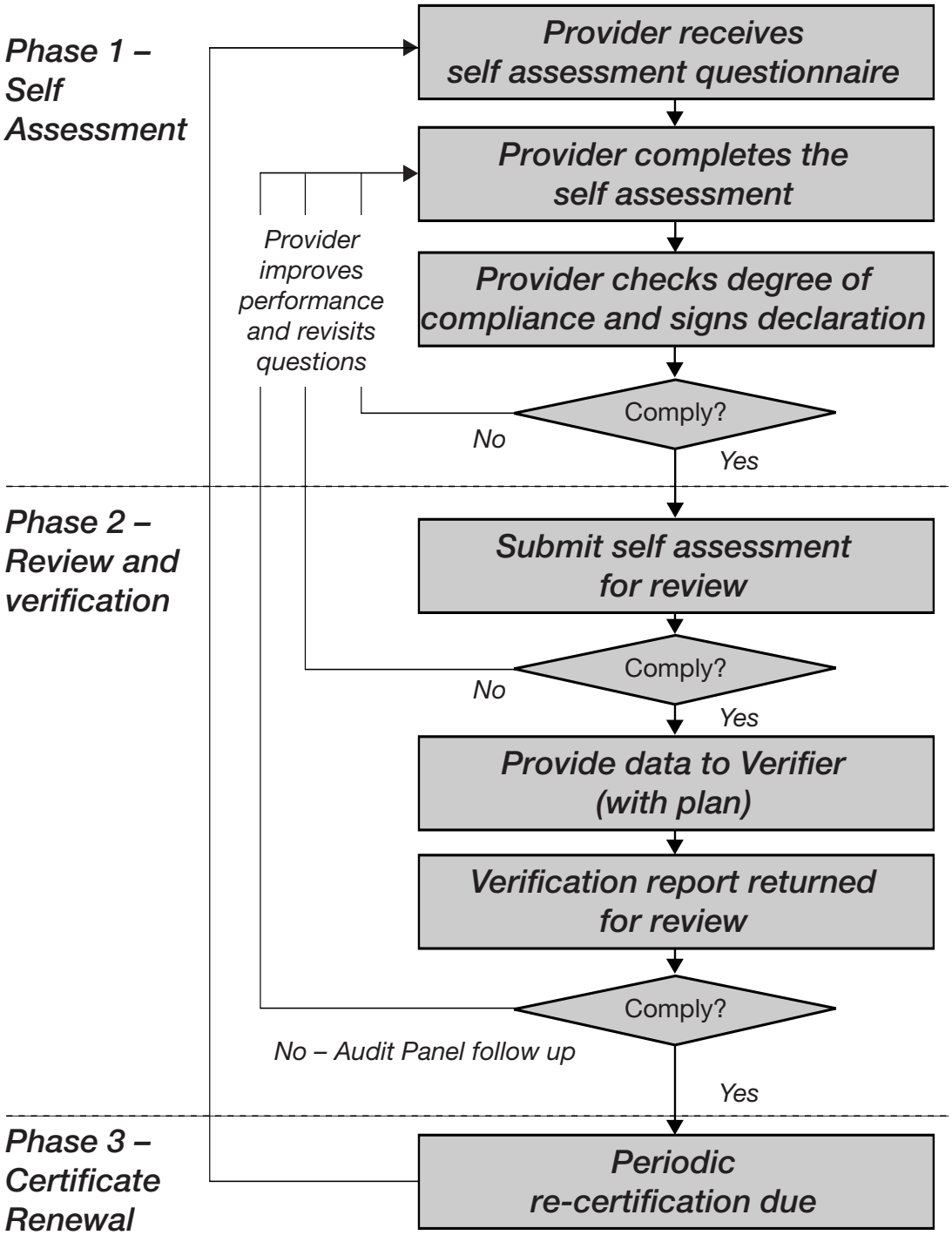
Determination of Whether Development is Managed and Controlled by an Educational Establishment

Name of Development/Area: **Blank**

	Available	Who	Provider	Points	Educational Establishment	Points
Marketing	1	Both	yes	1	yes	1
Rent Collection	1	Both	yes	1	yes	1
Tenancy	6	Both	yes	6	yes	6
Hard FM	2	Both	yes	2	yes	2
Soft FM						
Cleaning	1	Both	yes	1	yes	1
Security	1	Both	yes	1	yes	1
Repairs	1	Both	yes	1	yes	1
Health and Safety Routines	1	Both	yes	1	yes	1
Out of Hours Services	1	Both	yes	1	yes	1
Tenancy Relations	2	Both	yes	2	yes	2
Residential Cover	1	Both	yes	1	yes	1
Total Points				**18**		**18**

The educational establishment is exempt only if it scores the most points.

Audit and Compliance Framework

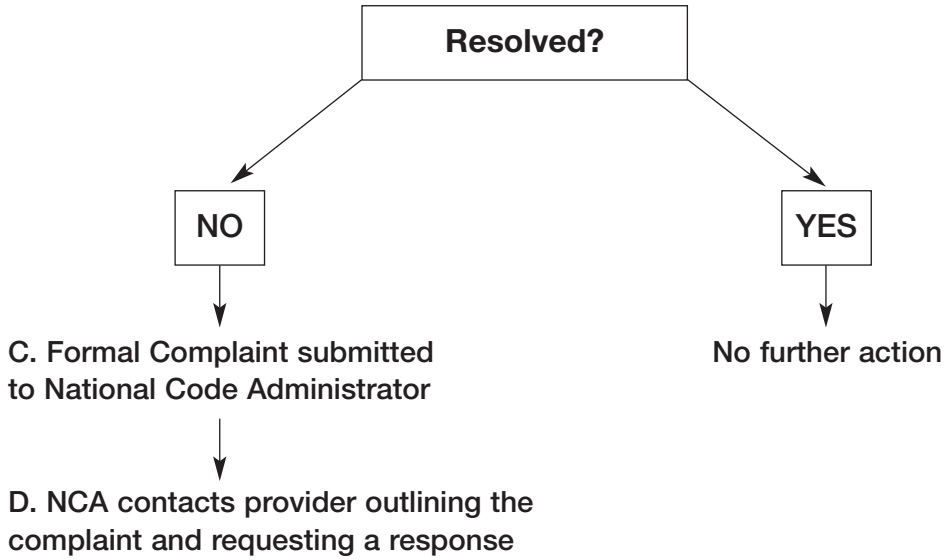


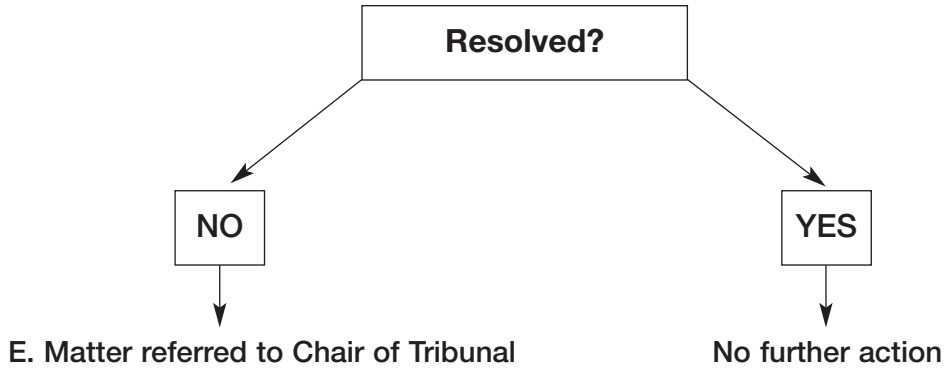
Appendix 2

Complaints Procedure

A. Breach of Code alleged

B. Matter raised with accommodation provider





F. Chair considers the complaint and has two possible courses of action:

Chairs Ruling – Chair decides, in consultation with Vice chairs, if case is serious enough to be referred to the full tribunal. If not the Chair makes the ruling and details appear on the website.

Full Tribunal – Complaint is heard by panel consisting of a maximum of nine people – Chair, two members of the consortium (at least one from the National Union of Students), three owner representatives, one person from the local authority, one person from the local student union, one person from the educational establishment (where appropriate). Owner and tenant/s will attend to state their case. Tribunal's decision will be posted on the website and remain in the public domain for three years.

Appendix 3

Housing Health and Safety Ratings System

The condition of all housing is now subject to Part 1 of the Housing Act 2004 and the evidence based risk assessment process of the Housing Health and Safety Rating System (HHSRS), on which local authorities must now base enforcement decisions. This applies to all types of residential premises, whether or not any amenities are shared.

Following a complaint, or for any other reason, a local authority may arrange to inspect premises to determine whether a category 1 or 2 hazard exists.

HHSRS assesses twenty-nine categories of housing hazard. Technical assessment is a two-stage process, addressing first the likelihood of an occurrence and then the range of probable harm outcomes. These two factors are combined using a standard method to give a score in respect of each hazard. HHSRS does not provide a single score for the dwelling as a whole or, in the case of multiply occupied dwellings, for the building as a whole.

The scores from different hazards cannot be meaningfully aggregated. There is no strong evidential basis for aggregating hazard scores, and to attempt to do this would make far more difficult the assessment of likelihood and spread of harm of hazards. However, the presence of a number of individual category 2 hazards may be a factor in an authority's decision to take action.

Hazards are scored in bands, from band A, the most severe, to band J. The relationship between these bands and category 1 and category 2 is prescribed in Regulations made under the Act. Category 1 hazards are those rated in bands A-C. Category 2 hazards are those rated band D and lower. Category 1 hazards trigger a local authority's duty under section 5 to take the appropriate enforcement action. Category 2 hazards can be dealt with under the authority's discretionary powers, which are set out in section 7.

The 2004 Act gives local authorities powers to intervene where they consider housing conditions to be unacceptable, on the basis of the impact of health and safety hazards on the most vulnerable potential occupant. The 2004 Act puts authorities under a general duty to take appropriate action in relation to a category 1 hazard. Where they have a general duty to act, they must take the most appropriate of the following courses of action:

- serve an improvement notice in accordance with section 11;
- make a prohibition order in accordance with section 20;
- serve a hazard awareness notice in accordance with section 28;
- take emergency remedial action under section 40 or make an emergency prohibition order under section 43;
- make a demolition order under section 265 of the Housing Act 1985 as amended;
- declare a clearance area by virtue of section 289 of the 1985 Act as amended.

DECLARATION

We (Educational Establishment)

of (Establishment's Address)

Telephone contact number:
Website:
E-mail Address:

declare that:

I/we wish to join the Code of Standards for Larger Developments from January 1st 2005 – 31st December 2005 and that we agree to meet all the terms and conditions of the Code and abide by the regulatory mechanisms and complaints procedure as stated in the Code.

I/we wish to declare that our developments listed on the attached schedule meet with the terms and conditions of the Code.

I/we agree to meet the cost of joining the Code at 0.35p (plus VAT) per bed space this charge to take the form, of a registration from 1st January 2005-31st December 2005 (cheques should be made payable to Unipol Student Homes).

I/we wish to declare that the following our developments (as listed on the attached schedule) meet with the terms and conditions of the Code.

Signed:

Name (please print):

Position in educational establishment:
Telephone contact number:
Website:
E-mail Address:

The National Code of Standards for Larger Developments is administered by Unipol Student Homes on behalf of the Code Consortium and the Committee of Management. Telephone 0113 243 0169 and ask for The National Code Administrator for further information or general enquiries. For financial enquiries please select option 3 on 0113 243 0169 for the finance section.

155-157 Woodhouse Lane, Leeds LS2 3ED
www.unipol.leeds.ac.uk Registered Charity No 1063492 VAT Registration No 69884549

DECLARATION – SCHEDULE OF PROPERTIES

Name of development	Address (including postal code)	Description of Development (number of bed spaces and number of separate buildings)	Contact Information for the Development (name, telephone number, E-mail address website)

Signed:

Name (please print):

Position in educational establishment:

Telephone contact number:

Website:

E-mail Address

For more than three developments please copy this sheet as required. Each separate sheet should be signed.

Annex E

Accreditation Network UK Code of Practice for Student Accommodation Managed by Undertakings Subject to HMO Licensing

Code of Standards for Larger Developments

for student accommodation **not** managed and controlled by educational establishments

2005

CODE OF STANDARDS FOR LARGER DEVELOPMENTS

Introduction

This Code establishes a set of specific standards with particular relevance to larger developments tenanted by students. The definition of "larger development" is a development where in excess of 25 students live in one building in rooms off a central corridor, in cluster flats, or in self contained flats.

Larger developments have particular needs and procedures relating to their ongoing management and this Code reflects their specialist status as an important part of the student accommodation supply.

The purpose of the National Code is to enable property owners, managers and tenants to agree a set of undertakings about how they wish to do business with one another.

The criteria in the Code have been chosen to reflect a balance of common sense obligations and responsibilities between the managers of larger student accommodation buildings and tenants and set benchmark standards which are achievable by managers without significant expenditure of time and money and without prejudice to their respective legal rights.

Compliance with the Code will ensure that:

- Both managers and tenants enjoy the benefit of good standards of housing management and practice.
- Misunderstandings and disputes are reduced.
- Where problems do occur they are promptly resolved.

In all cases the fact that an supplier has agreed to comply with the Code will be made explicit on property advertisements and tenant information and the Code will be actively and positively promoted amongst students searching for housing.

The Code enjoys the support of the National Union of Students (NUS), Office of the Deputy Prime Minister, The Accreditation Network UK (ANUK), The Association for Student Residential Accommodation (ASRA), Chartered Institute of Environmental Health Officers (CIEH), Conference of University Business Officers (CUBO), UniversitiesUK, its secretariat is based at Unipol Student Homes. The business and service reputation of those that maintain compliance will be enhanced in contrast to those that either, choose not to operate within the Code or, fail to honour their agreement to work within it.

Adoption of the Code by an accommodation provider is **voluntary**. Making a commitment to abide by the Code is a serious matter and a failure to meet such a commitment is a breach of faith. The National Code Committee of Management undertakes a number of compliance tests for the purpose of ascertaining compliance with the Code and tenants can complain where they feel a breach has occurred. Information showing that owners are not complying with the Code is in the public domain and will remain accessible for three years, even if the owners leaves, or is removed, from the Code.

The secretariat for the National Code of Standards and the Committee of Management is based at Unipol Student Homes, 155-157 Woodhouse Lane, Leeds LS2 3ED and the National Code Administrator can be contacted there.

Telephone 0113 243 0169
Fax 0113 234 3549
info@unipol.leeds.ac.uk
www.unipol.leeds.ac.uk or www.anuk.org.uk

Registered Charity No 1063492

1. Equal Opportunities

1.0 Managers will ensure that all accommodation allocation procedures comply with any existent equal opportunities policies that apply to their organisation. Where these do not exist, owners will ensure that no person or group of persons applying for accommodation will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin, gender, disability, appearance, age, marital status, sexual orientation or social status.

1.01 As part of its commitment to assist those with disabilities, it is agreed that charges for rooms adapted for use by students with disabilities do not exceed the normal room rate for that development.

2. Marketing prior to letting property to tenants

Managers will ensure that:

2.00 All property details are reported accurately without misrepresentation to prospective tenants. This will include details provided in prospectuses, brochures and websites. Where a development is being promoted in a university prospectus then the details will make clear if the operator of the scheme is not the university and will state clearly the management organisation charged with both tenant and building responsibilities.

2.01 All prospective tenants are informed about any contractual terms under which the property is offered, including those relating to any fees payable in addition to rent, such as booking fees, utility charges, deposits, insurance, web or telephone costs.

2.02 Where a booking fee is charged that fee is a standard published fee for all tenants and information will be provided on: the cost of the fee, the nature of the reservation being made, arrangements for cancelling the booking and returning the fee, the point at which the fee would not be returned if a tenancy was not entered into, the manner in which the booking fee will be returned to the tenant when a tenancy is entered into. In all cases a receipt will be given to a tenant for the booking fee and the conditions of levying and returning, or not returning, that fee will be stated on that receipt.

2.03 No other monies for deposits or rent are demanded prior to the signing and exchange of any letting agreement.

2.04 All tenants are provided with a written copy of the letting agreement at the time they sign that agreement or at the time that they pay any booking fee or deposit.

2.05 Any contracts used do not include terms that are in breach of the Unfair Terms in Contracts Regulations 1999.

2.06 Where a building is new, or undergoing refurbishment and the building programme is running late and where this may result in pre-let rooms not being ready for occupancy, the manager informs the future tenant at the earliest possibility of this likelihood and its consequences for them.

2.07 In the event that a room is not ready for occupation on the date that the tenancy begins then a suitable alternative room is provided, by the same supplier, in an adjacent building or, in any event, in a building within half a mile of the original development. The replacement facility must provide an equivalent level of services and amenities previously contracted for. If an alternative bed is not available on the terms above then a hotel room will be secured and any amount paid for rent during the period of temporary occupancy will be refunded to the tenant by the supplier with whom the customer signed the tenancy. If no self-catering facilities are provided in any accommodation offered then breakfast and one other meal will be provided, or arrangements for receiving these meals will be provided.

Rent Liability

Managers will ensure that:

2.08 Prospective tenants are issued with a clear statement of the rent due to be paid, including the dates, amounts and methods of payments due to be made during the contract.

2.09 Prospective tenants are issued with written receipts for all monies received, whether in payment for rent, deposit, utility or service charges. Where any transactions are undertaken in cash a written receipt will always be provided by the manager.

Contact Details for Staff

Managers will ensure that:

2.10 The owner of the building, their registered office and the name, address and any email address of those responsible for the management function of the building, together with a standard notice affirming membership of this Code (supplied at the time of signing) will be clearly displayed on a fixed notice board located either in the entrance lobby or a common facility in the development. If there is no main lobby then this will be affixed to the wall at the bottom of the main stairwell to the building.

2.11 The name and contact details of all staff involved in the management of the development will be provided to tenants at the commencement of their tenancy, including the times that they will be available and specifying their duties.

State of Repair

Managers will ensure that:

2.12 All tenants are provided with an up-to-date inventory of their room/flat that indicates the state of repair of fixtures and fittings at the time their tenancy commenced. If no inventory is issued, no deductions from deposits will be made at the end of the tenancy in respect of the condition of the furniture and fittings. Where a standard furniture kit is available in all rooms in a development, a list of fixtures and fittings can be provided which would allow for deposit deductions in respect of items that are found to be missing from the room at the end of the tenancy period.

3. During the Tenancy

Ensuring Possession

Managers will ensure that:

3.00 Statutory notices requiring possession are served on existing tenants in order to mitigate any delay or hardship that may be caused to the manager or incoming tenants.

Access

Managers will ensure that:

3.01 Where access is required for routine inspections, each affected tenant receives notification of the date, time and purpose of the visit not less than 24 hours in advance, except in circumstances where issuance of such notice is impractical; and that tenant privacy and entitlement to quiet enjoyment is respected.

3.02 Where a building is under snagging and defects procedures being undertaken by the builder and work needs to be carried out on a regular basis tenants are informed of this and the timescale for the programme of works, in advance of those works. Where practical, the contractors and their subcontractors will be escorted by a representative of the owner to ensure that access is properly ordered and that work being undertaken is not unduly disruptive of occupants. Contractors should not enter without the permission of the tenants.

3.03 Business is pursued in a professional, courteous and diligent manner at all times.

Fines

Managers will ensure that:

3.04 Tenants are not subject to an internal fining system within their tenancy arrangements. Costs of any damage caused by tenants will be deducted from any deposit held or by other means sanctioned by law.

Repairs and Maintenance

Managers will ensure that:

3.05 Tenants are provided with information about how to report any repair/maintenance issues and to whom these should be addressed.

3.06 The development is maintained in a way that complies with all statutory and local authority regulations relating to HMOs and/or purpose built developments.

3.07 Any repair or defect works that are required meet with the following performance standards:

- **Priority One – Emergency Repairs** – are completed within 24 hours of a report of a defect. These would be any repairs required to avoid a danger to health, a risk to the safety of residents or serious damage to buildings or residents belongings;

- **Priority Two – Urgent Repairs** – are completed within five working days of report of the defect. These would be any repairs which materially affect the comfort or convenience of the residents;

- **Priority Three – Non-Urgent Repairs** – are completed within 28 days of a report of a defect. These would be any repairs not falling within the above categories.

3.08 Maintenance and servicing programmes, such as gas appliance servicing, window and guttering cleaning, exterior and interior painting, are carried out in a planned and cyclical manner and with due regard to the convenience of tenants.

3.09 In a building with more than three floors, notice of external window cleaning and painting is given not less that 24 hours before those activities commence.

3.10 Where a dispute arises between the manager and tenant/s as to when a repair has been reported then the date on which the repair was reported to the manager in writing will be the accepted date.

3.11 Contractors will remove all redundant materials and debris from site on completion of works in a reasonable time and will behave in a professional and courteous manner at all times.

Cleaning and Maintenance of Communal Areas

Managers will ensure that:

3.12 Full details of the times for cleaning and maintaining communal areas will be provided to tenants in writing or displayed on appropriate notice boards within the development.

Furniture and Storage Space

Managers will ensure that:

3.13 All study bedrooms contain a bed, adequate clothes storage space, a desk, chair, and curtains which are hung properly.

3.14 All furnishings and furniture are clean and in reasonable condition at the commencement of the tenancy and comply with the relevant fire safety legislative requirements relating to furniture and furnishings – Furniture and Furnishings (Fire) (Safety) Regulations 1988.

Kitchen Facilities

Managers will ensure that:

3.15 All kitchen facilities are designed and installed having regard to safety.

3.16 Food storage and preparation facilities comply with levels of provision laid down by the Local Authority Environmental Health Department for developments of this type.

3.17 Kitchens contain an adequate number of appropriately positioned plug sockets.

3.18 Kitchens are sited on the same level as the sleeping accommodation or have an adjacent dining or communal space where eating at a table can take place.

Toilet and Personal Washing Facilities

Managers will ensure that:

3.19 An adequate number of suitably located WCs, baths and/or showers are provided with a constant supply of hot and cold running water.

3.20 All WCs situated in tenants' rooms are properly compartmentalised, with adequate provision of natural or mechanical ventilation.

3.21 When a room is described as *en suite* this means that it has a bath/shower, wash basin and toilet which form a self contained amenity for the exclusive use of the tenant occupying that room and that this amenity is accessible without recourse to any corridor or passageway used by other occupants.

Laundry Facilities

Managers will ensure that:

3.22 Facilities are provided for the washing and drying of clothes. Where a launderette is provided the ratio of Washer/driers to tenants should be no greater than 1:75 and consideration should be given to the possibility of machine malfunction.

3.23 Where a laundrette is provided within a development and that facility is provided as an amenity in the particulars of the letting at the point of establishing a tenancy, details of the organisation responsible for the management and ownership of the laundrette are displayed and information on how to report repairs supplied to the tenants. If the facility is not accessible 24 hours a day then tenants will be informed about opening times.

Mail deliveries

Managers will ensure that:

3.24 Tenants are informed of procedures for the distribution of incoming mail and where it can be collected from. Tenants must be able to access their mailbox from a secure area, preferably accessible from within the building.

3.25 Where mail is not delivered through a letterbox into the room or flat of occupancy, then mail is delivered in conveniently located, lockable, secure, mailboxes.

3.26 Where the manager of the building is responsible for the distribution of mail, this is delivered on all normal Monday to Friday working days, not more than 24 hours from the time of the mail being delivered at the building. Mail received over public holidays and weekends shall be delivered not later than 24 hours after a normal working day occurs. The manager is not required to take delivery of parcels and larger items of mail, but in these circumstances notification that such items can be collected from a central depository must be given within the timescale above. Where a manager accepts parcels then notification of these items must be given to tenants within the timescale above.

3.27 Tenants are informed of any mail forwarding arrangements not less than 14 days before the end of any tenancy. It is not necessary for managers to agree to forward mail but this must be made clear to tenants, in advance. Where no forwarding service is offered, undelivered mail must be returned to the sender with the notification “gone away” on each item.

4. Health and Safety

Housing Health and Safety Rating System

Managers will ensure that:

4.00 In consultation with the Local Authority, buildings are maintained in compliance with the requirements of Part I of the Housing Act 2004 (see appendix 3 dealing with the Housing Health and Safety Rating System).

Gas Appliances and Supply

Managers will ensure that:

4.01 All means of use and supply of mains gas and alterations and repairs to gas installations must comply with the current Gas Safety (Installation and Use) Regulations.

4.02 All gas appliances are serviced annually by a Council of Registered Gas Installers (CORGI) engineer and verification of this servicing within the development/flat is provided to each tenant.

4.03 Clear written instructions for the safe use of all central heating and hot water systems are provided to the tenants.

Electrical Installations and Appliances

Managers will ensure that:

4.04 They possess a current Periodic Inspection Report (based on Appendix 6 of BS 7671) showing that all electrical installations are in satisfactory condition. The inspection must be carried out by a competent electrical engineer (preferably National Inspection Council for Electrical Installation Contracting or Electrical Contractors Association) to show that the installation is safe and satisfactory and had been tested within the last 5 years.

4.05 All repairs and improvements to electrical installations comply with the current edition of the Institute of Electrical Engineers Wiring Regulations and meet with BS 7671.

4.06 Reasonable steps are taken to ensure that all electrical appliances provided by them are functioning effectively, in accordance with manufacturers' operational instructions and in a safe manner. Portable Appliance Testing (PAT) would be one satisfactory method of ensuring this, another would be to install circuit breakers. Appliances must be regularly visually inspected for wear and tear by the managers and any defects remedied. Tenants are provided with information about how, and to whom, any defects should be reported.

4.07 Instructions for the safe use of all electrical appliances are provided to the tenants and isolator switches properly labelled.

4.08 When a room is described as having central heating, this comprises of a heater that can be controlled either within the room or flat, and adjustable by a timer that allows control

over a minimum 24 hour period. An electric panel heater with an on/off or booster switch that allows a preset period of use may be regarded as electric heating.

Energy Efficiency

Managers will ensure that:

4.09 All Developments built after 2002 are provided with a reasonable level of energy efficiency installations.

4.10 Tenants are given, on request, advice on how best to heat the accommodation and use hot water in an energy efficient way when using the facilities provided.

Fire Safety

Managers will ensure that:

4.11 All developments are provided with properly maintained fire safety installations, and instructions on their use, necessary to enable the tenants to safely evacuate the building in event of a fire where this is required. These will be provided with fire safety measures in accordance with current legislation and may include by way of example:

- a fire escape route with a minimum of 30 minutes fire resistance;
- an automatic fire alarm system;
- an emergency lighting system sited to protect the route of escape.

The design and detail of the measures are determined in accordance with a fire safety risk assessment and in consideration of the local authority's HMO standards.

4.12 Fire alarm and detection systems are maintained in proper working order, systems are tested regularly, and an annual inspection and test of the entire system is carried out by a suitably qualified engineer.

4.13 A log book or certificate is kept containing information on when the testing and inspection of the fire alarm system was carried out and by whom.

4.14 Documentation is available to certify that the fire alarm and emergency lighting systems have received annual checks and are in proper working condition.

4.15 Tenants are provided with clear written guidelines on the fire safety procedures, including details of the safety measures installed, why they are there, how they operate and what to do in the event of a fire.

4.16 Notices containing this information is displayed in all rooms and communal areas.

4.17 All exit routes within the building, such as hallways, landings and staircases, so far as they are under the control of the landlord and as far as reasonably practical, are maintained safe and unobstructed to enable evacuation of the dwelling in the event of fire.

Security Measures

Managers will ensure that:

4.18 External doors to the building are of strong, solid, safe construction and fitted with a secure locking system capable of being opened from the inside without use of a key (if an electronic system is installed then it will be programmed to open in event of a power failure). Door frames should be of a strong construction and well secured.

4.19 Any intercom entry systems should not allow access to the building without the tenant being able to establish the identity of the caller.

4.20 Ground floor and upper storey windows accessible from ground level are of sound construction and fitted with a lockable system capable of being opened from the inside without the use of a key. Occupants of ground floor rooms should be provided with specific security information.

4.21 The building has a security plan detailing an appropriate level of management to maintain security standards and this plan can, on request, be shown to tenants. The plan should also stipulate what security information will be supplied to tenants.

The Environment

Managers will ensure that:

4.22 All developments are provided with adequate refuse disposal facilities for the number of occupants.

4.23 Where waste facilities are used by more than 10 tenants then a waste disposal plan exists for the building which can be consulted by tenants, on request. Tenants must be informed, not later than 24 hours of moving into the building, of waste collection arrangements. Where the local authority operates a recycling scheme, the waste disposal plan will conform to the relevant standards for recycling refuse.

4.24 The perimeter of all developments and any surrounding grounds are maintained in good order and are free of waste and litter as far as is reasonably practicable.

4.25 Where a garden area exists this is properly maintained and not be allowed to become overgrown. The path to and from all external doors will be kept in good repair and free from obstruction.

4.26 Where a garden or gardens exist these are retained as soft planted areas (this includes low maintenance gravelling with planting), although paths may be added. Plants and shrubs will be properly maintained and not be allowed to obstruct the pavements or other public areas surrounding the property.

4.27 Hedges and bushes are kept trimmed low wherever practical to avoid providing screening for criminal activities.

4.28 Neighbouring residents have access to and be eligible to use the complaints procedure (7.00 and 7.01). A neighbour is defined as a resident within the same or adjacent street within 200 metres of the property.

Communal Lighting

Managers will ensure that:

4.29 All internal and external communal areas are provided with adequate safe lighting.

4.30 Where light switches are fitted with automatic timers they allow sufficient time for tenants to reach their rooms or to exit the building.

4.31 No more than five lamps fail on external lighting before those lamps are replaced and no more than three lamps fail on stairwells and corridors before those lamps should have been replaced.

5. At the end of the Tenancy

Deposits

Managers will ensure that:

5.00 Deposits, where required, are administered efficiently and reasonably and are not withheld for any purpose other than for which they are levied.

5.01 Tenants are issued with clear written guidelines regarding the standard of cleaning and other arrangements that will be expected when the tenancy comes to an end.

5.02 Subject to paragraph 5.03, deposits are returned to former tenants within four weeks of the end of the tenancy.

5.03 Where monies from deposits have been retained to off set costs incurred, any remaining balance is returned within the timescale as set out in paragraph 5.02 together with a written statement of account providing details of all and any deductions that have been made.

References

Managers will ensure that:

5.04 Following a written request from a former tenant, a reference will be provided.

5.05 Letters of reference are based on the performance of the named individual during the period of the tenancy only, or in the case of a joint tenancy those within the tenancy.

6. Disputes

Where disputes arise with tenants, managers will ensure that:

6.00 They respond reasonably and promptly to tenants or their representatives. Where a parent of a tenant is making a complaint then the tenant will confirm in writing that this constitutes their representative.

6.01 They make written response to any correspondence from tenants or their representatives within three weeks of its receipt.

6.02 Any settlements or agreements reached are honoured within three weeks of the settlement being agreed.

6.03 They maintain courteous professional relations with tenants during any dispute.

7. Complaints

Managers will ensure that:

7.00 Within four weeks of receipt of any written complaint from a tenant (or their representative) they rectify any breach of this Code of Standards or, where any allegations are contested, enter into correspondence with the tenants or their representative; (Appendix 2 describes the complaint resolution procedure.

7.01 Where such a breach is contested, or where rectification is not made in accordance with 7.00 above, they recognise the authority of a Tribunal which will determine whether or not a breach of the code has occurred and make recommendations accordingly. In the event that such recommendations are not followed by the manager then they will be deemed to be in breach of the Code and this fact will be made public to prospective tenants. The Tribunal will have the authority to exclude any owner from the Code.

Data Protection

All information concerning owners/managers of developments displayed on the website in relation to complaints received under this code will comply with the principles of good practice for the handling of personal data. It will be fairly and lawfully processed, contain only adequate and relevant information about the complaint, accurately reflect the details of the complaint, remain on the website for no longer than three years, be processed in accordance with the data subject's rights, and will be held securely.

Appendix 1

Determination of whether a development is managed and controlled by an educational establishment

Many larger student accommodation developments are undertaken in partnership between a provider of services and an educational establishment. In order to determine whether a building is managed and controlled by an educational establishment, a framework of test questions has been developed.

Twelve questions are asked: the answer can be yes, responsible, no, not responsible or both are responsible. The answer to each question attracts the number of points, as follows:

Marketing	–	1 point
Rent Collection	–	1 point
Tenancy	–	6 points
Hard FM	–	2 points
Soft FM		
Cleaning	–	1 point
Security	–	1 point
Repairs	–	1 point
Health and Safety Routines	–	1 point
Out of Hours Services	–	1 point
Tenancy Relations	–	2 points
Residential Cover	–	1 point

The points are loaded to reflect the importance of each item as determining control and management.

There are a total of 18 points in all. The headings are scored according to an educational establishment or another provider. Whoever has the higher score determines who has control and management of the building.

For the purposes of determining eligibility to sign this particular Code, the educational establishment must have the higher score.

For a worked example of the method of determination see below.

Guidelines on Questions

The term "educational establishment" means just that and "provider" means an organisation other than the educational establishment providing the duties and services.

Marketing – reflects who is responsible for promoting and letting the building. If the development is an underwritten or formal nominations arrangement this would clearly be the educational establishment. Informal arrangements between educational establishments and a private supplier, where the supplier is also marketing the building directly would result in marketing being undertaken by the provider.

Rent Collection – reflects who collects the rent.

Tenancy – This reflects who the student tenant signs their tenancy with, the educational establishment or another provider. This is an important matter since it sets the legal framework for the whole letting.

HardFM – means the maintenance and replacement of the infrastructure of the building and its associated plant/equipment and buildings systems and can extend to the estate where the building is situated (including grounds and gardens).

Soft FM – means the services that are provided to the students occupying the building. There are seven questions related to aspects of those services:

Cleaning – who undertakes the cleaning, either of the residences or the communal areas?

Security – who undertakes the security, particularly out of hours security. Often this work is shared between a provider and an educational establishment, in which case points would be awarded to both?

Repairs – who undertakes any day to day repairs within the building?

Health and Safety Routines – who is responsible for health and safety routines: testing fire alarms, servicing safety equipment, undertaking a risk analysis of the building?

Out of Hours Services – who would deal with out of hours emergencies in respect of the building, for example, a power outage, a plumbing leak. This does not cover out of hours services to students offered under tenancy relations or residential cover?

Tenancy Relations – who would deal with tenant issues and support, for example, students wishing to leave, inter-tenant friction, noise and anti social behaviour, mental health problems?

Residential Cover – who provides over night residential cover to deal with tenant issues that occur overnight? This excludes security related matters dealt with above.

Further guidance can be obtained from the Code Administrator at any time before applying the test questions above.

This method of ascertaining management and control of a building has been adopted by both ANUK and UUK in order to provide a consistent and sensitive gateway that allows only educational establishments who both control and manage buildings to sign this or the UUK Code. The criteria will be reviewed periodically in the light of experience and more comprehensive guidelines will be issued where problem areas become apparent.

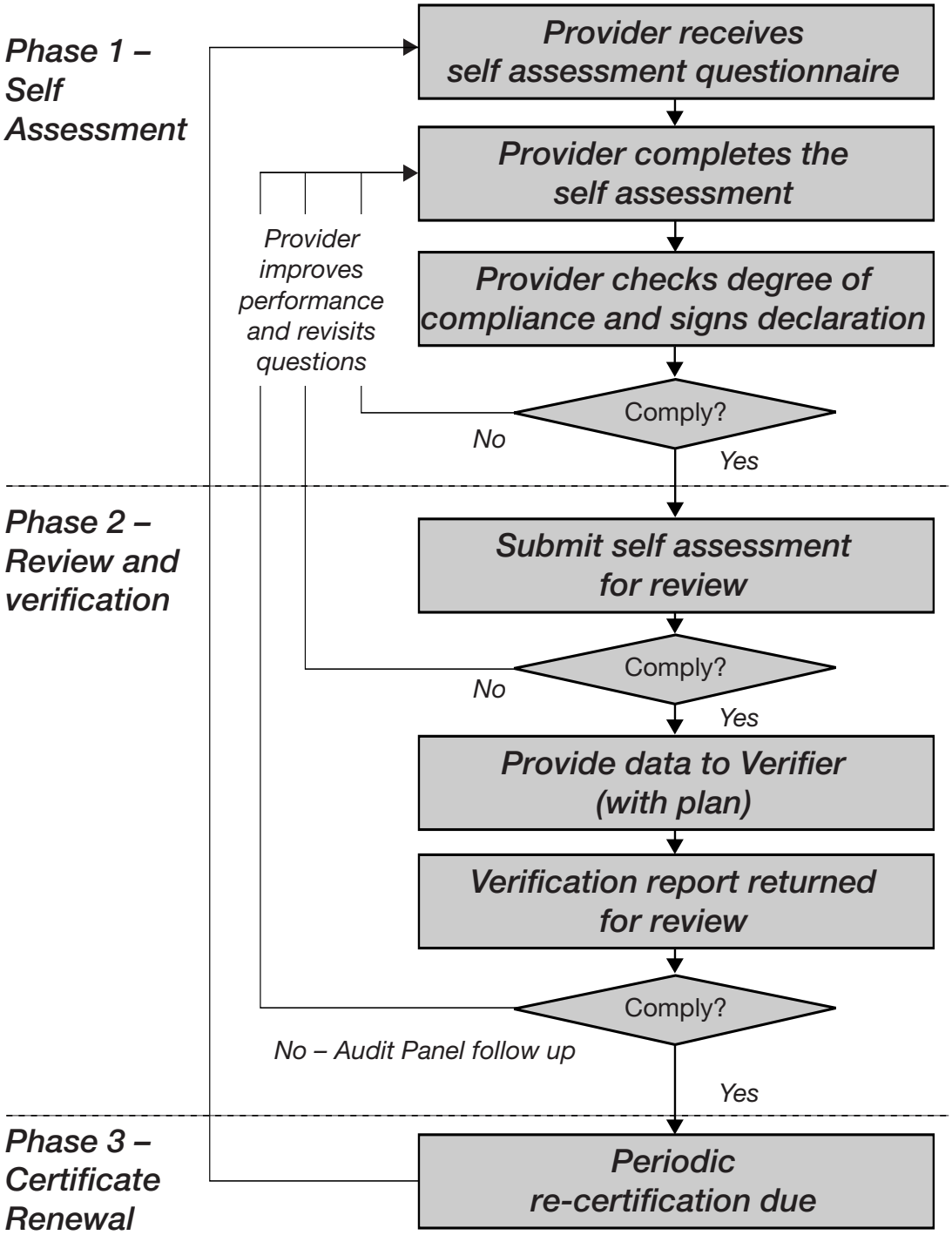
Determination of Whether Development is Managed and Controlled by an Educational Establishment

Name of Development/Area: _____

	Available	Who	Provider	Points	Educational Establishment	Points
Marketing	1	Both	yes	1	yes	1
Rent Collection	1	Both	yes	1	yes	1
Tenancy	6	Both	yes	6	yes	6
Hard FM	2	Both	yes	2	yes	2
Soft FM						
Cleaning	1	Both	yes	1	yes	1
Security	1	Both	yes	1	yes	1
Repairs	1	Both	yes	1	yes	1
Health and Safety Routines	1	Both	yes	1	yes	1
Out of Hours Services	1	Both	yes	1	yes	1
Tenancy Relations	2	Both	yes	2	yes	2
Residential Cover	1	Both	yes	1	yes	1
Total Points				**18**		**18**

The educational establishment is exempt only if it scores the most points.

Audit and Compliance Framework

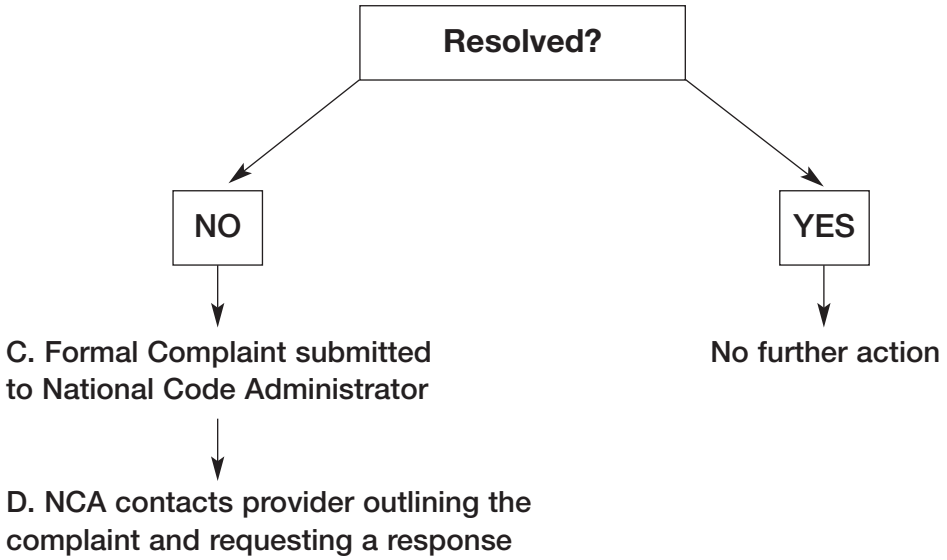


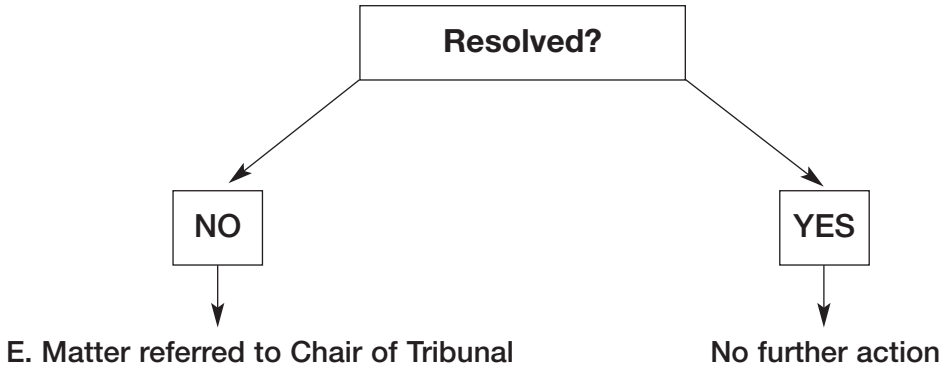
Appendix 2

Complaints Procedure

A. Breach of Code alleged

B. Matter raised with accommodation provider





F. Chair considers the complaint and has two possible courses of action:

Chairs Ruling – Chair decides, in consultation with Vice chairs, if case is serious enough to be referred to the full tribunal. If not the Chair makes the ruling and details appear on the website.

Full Tribunal – Complaint is heard by panel consisting of a maximum of nine people – Chair, two members of the consortium (at least one from the National Union of Students), three owner representatives, one person from the local authority, one person from the local student union, one person from the educational establishment (where appropriate). Owner and tenant/s will attend to state their case. Tribunal's decision will be posted on the website and remain in the public domain for three years.

Appendix 3

Housing Health and Safety Ratings System

The condition of all housing is now catered for by Part 1 of the Housing Act 2004 and the evidence based risk assessment process of the Housing Health and Safety Rating System (HHSRS), on which local authorities must now base enforcement decisions. This applies to all types of residential premises, whether or not any amenities are shared.

Following a complaint, or for any other reason, a local authority may arrange to inspect premises to determine whether a category 1 or 2 hazard exists.

HHSRS assesses twenty-nine categories of housing hazard. Technical assessment is a two-stage process, addressing first the likelihood of an occurrence and then the range of probable harm outcomes. These two factors are combined using a standard method to give a score in respect of each hazard. HHSRS does not provide a single score for the dwelling as a whole or, in the case of multiply occupied dwellings, for the building as a whole.

The scores from different hazards cannot be meaningfully aggregated. There is no strong evidential basis for aggregating hazard scores, and to attempt to do this would make far more difficult the assessment of likelihood and spread of harm of hazards. However, the presence of a number of individual category 2 hazards may be a factor in an authority's decision to take action.

Hazards are scored in bands, from band A, the most severe, to band J. The relationship between these bands and category 1 and category 2 is prescribed in the Regulations. Category 1 hazards are those rated in bands A-C. Category 2 hazards are those rated band D and lower. Category 1 hazards trigger a local authority's duty under section 5 to take the appropriate enforcement action. Category 2 hazards can be dealt with under the authority's discretionary powers, which are set out in section 7.

The 2004 Act gives local authorities powers to intervene where they consider housing conditions to be unacceptable, on the basis of the impact of health and safety hazards on the most vulnerable potential occupant. The 2004 Act puts authorities under a general duty to take appropriate action in relation to a category 1 hazard. Where they have a general duty to act, they must take the most appropriate of the following courses of action:

- serve an improvement notice in accordance with section 11;
- make a prohibition order in accordance with section 20;
- serve a hazard awareness notice in accordance with section 28;
- take emergency remedial action under section 40 or make an emergency prohibition order under section 43;
- make a demolition order under section 265 of the Housing Act 1985 as amended;
- declare a clearance area by virtue of section 289 of the 1985 Act as amended.

DECLARATION

We (name of company/owner/)

of (Company Address)

Telephone contact number:

Website:

E-mail Address:

declare that:

I/we wish to join the Code of Standards for Larger Developments from January 1st 2005 – 31st December 2005 and that we agree to meet all the terms and conditions of the Code and abide by the regulatory mechanisms and complaints procedure as stated in the Code.

I/we wish to declare that our developments listed on the attached schedule meet with the terms and conditions of the Code.

I/we agree to meet the cost of joining the Code at 0.35p (plus VAT) per bed space this charge to take the form, of a registration from 1st January 2005-31st December 2005 (cheques should be made payable to Unipol Student Homes).

I/we wish to declare that the following our developments (as listed on the attached schedule) meet with the terms and conditions of the Code.

Signed:

Name (please print):

Position in Company:

Telephone contact number:

Website:

E-mail Address:

The National Code of Standards for Larger Developments is administered by Unipol Student Homes on behalf of the Code Consortium and the Committee of Management. Telephone 0113 243 0169 and ask for The National Code Administrator for further information or general enquiries. For financial enquiries please select option 3 on 0113 243 0169 for the finance section.

155-157 Woodhouse Lane, Leeds LS2 3ED
www.unipol.leeds.ac.uk
Registered Charity No 1063492
VAT Registration No 69884549

DECLARATION – SCHEDULE OF PROPERTIES

Name of development	Address (including postal code)	Description of Development (number of bed spaces and number of separate buildings)	Contact Information for the Development (name, telephone number, E-mail address website)

Signed:

Name (please print):

Position in educational establishment:

Telephone contact number:

Website:

E-mail Address

For more than three developments please copy this sheet as required. Each separate sheet should be signed.

Annex F

Assessment against Criteria of Universities UK Code of Practice for University Managed Student Accommodation

General Requirements

Minimum standards

1. The Universities UK/SCOP Code applies only to student accommodation managed or controlled by further or higher educational establishments. The minimum standards for "excepted accommodation" under this Code are compatible with the standards required of licensed HMOs.

Scope

2. The Code is a national code. The scope of the Code and the type of properties covered are described in paragraphs xi)-xx) and are set out in detail for each establishment in the Schedule.

Management of the Code

3. Management arrangements for the Code, including review and compliance, are the subject of Section 8 of this Code. Administration will be the responsibility of UUK. The Standing Committee will be responsible for ensuring that establishments accredited to the Code are, and remain, in compliance with it. In the event of a complaint alleging contravention of the Code well-established complaints procedures within further and higher education institutions will be followed. In any event, significant complaints are to be referred to the Committee. The Committee may, if the circumstances justify this, declare that an establishment is no longer compliant with the Code.

Compliance with legislation

4. The Code covers property management, provision of facilities and landlord/tenant relationships. Paragraph 1.2 of the Code states that accreditation carries with it a responsibility for compliance with all relevant legislation.

Consistency with the Management Regulations

5. Paragraphs xiv and xv broadly set out the scope of the management regulations for HMOs and establish that compliance with the Code requires consistency with those Regulations. The relevant paragraphs further distinguish between these "mandatory" elements and other, aspirational, elements of the Code.

Consultation

6. The Association of University Directors of Estates (AUDE), the Association for Student Residential Accommodation (ASRA), the Conference of University Business Officers (CUBO), the University Safety and Health Association (USHA), the Association of University Heads of

Administration (AUHA), the Association of University Chief Security Officers (AUCSO) and the Association of Managers of Student Services (AMOSSHE) have cooperated in the preparation of the Code. All member institutions of UUK and the SCOP, the Office of the Deputy Prime Minister, the Department for Education and Skills, the National Union of Students (NUS), and the Accreditation Network UK (ANUK) have been consulted during its preparation.

Publication

7. The code is to be published in a number of formats and will be accessible to students from a variety of sources.

Particular Requirements for Student Accommodation

Context

8. This Code has been prepared on the basis of well established practices in, and to reflect the particular circumstances of, accommodation managed or controlled by higher or further education institutions.

Terms of tenure

9. Terms of tenure, issues of behaviour and complaints procedures are addressed in sections 5 and 7 of the Code.

Contact details

10. Students, of necessity, will have contact details of their landlord where their accommodation is managed or controlled by an HEI.

Specific issues

11. Specific issues covered by the Code include under "health and safety" fire prevention, detection, means of escape, electricity and gas supplies, water supply, kitchen and bathroom facilities, food storage, and security matters (section 2). Fuel efficiency, and also refuse collection and recycling, is dealt with in section 4 on Environmental Quality.

Access by the landlord

12. Issues with regard to access to accommodation for maintenance and other purposes are dealt with in sections 3 (Maintenance and repair) and 2C (Security).

Amenities

13. The specified amenities (with regard to kitchens, food storage and processing, bathrooms toilets and showers, laundry facilities, furnishings and mail delivery are the subject of Section 2D. Waste disposal is dealt with in the section on Environmental Quality (Section 4).

Annex G

Assessment against Criteria of Accreditation Network UK Code of Practice for Student Accommodation Managed by Higher Education Establishments

General Requirements	***Evidence for compliance with requirements***
1. Whether the code is for licensed HMOs or accommodation that is excepted from the HMO definition, the minimum standards set down in the code, for whichever category it applies, should be compatible with the minimum standards required for the other category where comparable properties are concerned.	The code is intended for excepted HMOs, it does not cover smaller dwellings within larger complexes (with over 25 occupants, howsoever configured) that are not HMOs. The standards set within the code are uniform and compatible with the minimum standards required.
2. A code must clearly state its scope and the type of properties it covers. As approved by the appropriate national authority it will be a national code.	The scope of this code is to cover Larger Developments (of 25 bed spaces or more) that are intended for use by students and are managed and controlled by educational institutions. There is a separate code for Larger Developments that are intended for use by students but are not managed and controlled by educational institutions. The appropriate code for developments is determined using a spreadsheet based on a weighted algorithm taking into account the following factors: Marketing, Rent Collection, Tenancy, Hard FM, Soft FM (including: Cleaning, Security, Repairs, Health and Safety Routines, Out of Hours Services), Tenancy Relations and Residential Cover.

General Requirements	***Evidence for compliance with requirements***
3. A code should clearly state who maintains ownership of the code and who (say a Committee of Management) will be responsible for its future management with regard to maintaining the integrity of the code, its ongoing review and development, and for ensuring compliance with the code of those accredited to it.	The National Code of Standards for Larger Developments has a system of governance that relies upon a consortium of ANUK (through the Steering Group determined by its membership), NUS (through their democratically elected officers) and Unipol (through trustees) who set the framework and terms of reference for a Committee of Management consisting of stakeholders. The consortium owns the Code and they have devolved responsibility for the Code's ongoing review and development to the committee of management. The Code is administrated by a National Code Administrator and Unipol Student Homes is the secretariat for the Code.
A code should have adequate procedures for accrediting members to the code and for checking their compliance with the code.	The ANUK Code is reviewed annually by its CoM and its members will sign annually, allowing changes to be effected. The Code is approved through the Committee of Management and, if agreement could not be reached, the consortium would decide. Full procedures for accrediting members to the code are detailed in the main documentation for the code. This is done by submitting a declaration with a schedule of properties to the code administrator along with the appropriate fee.
A code should have mechanisms for excluding from accreditation to it those who do not adequately comply with it. It should also provide for dispute resolution arrangements linked to a properly publicised complaints procedure.	The ANUK Code has a robust system to ensure regular assessment and compliance of members of the Code. This system is uniform to all members and thus transparent to all tenants. Those joining undergo an annual self-assessment procedure which is verified by an audit panel consisting of experts in the field. This process takes place either after joining or prior to joining, at the discretion of the Code Administrator. The verification process relies on an assessment of evidence (the completed self assessment information and a review of evidence and supporting documentation required) followed by tenant group meetings and a physical inspection of the premises (members will be verified every three years, or more frequently if problems are identified).

General Requirements	***Evidence for compliance with requirements***
	The verification process will create a compliance score, against a defined framework which demonstrates the outcomes and benefits achieved through compliance with the code as well as an improvement plan to indicate how any potentially non compliant situations will be addressed. In the event of a dispute between a housing supplier and the audit panel, the matter will be referred to a Tribunal for decision. A separate complaints procedure provides a reactive system of redress for consumers dissatisfied with their housing supplier where they think they have not abided by the Code (in the case of a complaint about Unipol as a supplier a special system exists to deal with this conflict). The complaints procedure is publicised in all developments covered by the Code and administered by the National Code Administrator. Complaints can also be made through an on-line Web service. The Code contains many benchmarks to enable complaints to be made about failing to meet precise standards (rather than general aspirations) and targets and benchmarks are uniform and national. A formal system exists to try to resolve any difficulties at that stage. In the event of a conflict that cannot be resolved, then the matter is referred to an independent Tribunal system, chaired by a barrister (Mr John Martin) with representatives from students' unions (the tenant group) the Local Authority in which the dwelling in situated and stakeholders. The procedures for the Tribunal and its powers are based on tried systems operating generally within existing accreditation schemes. All of these systems are uniform, national and operate independently of those being assessed or complained about and contain dispute resolution mechanisms. These will maintain the integrity and accuracy of the Code.

General Requirements	***Evidence for compliance with requirements***
4. The code should apply to the management of the property, its facilities and the rights of tenants to certain facilities and contractual relationships from the landlord. This must also involve compliance with all legislation relating to the rights and obligations of landlords and tenants such as the safeguarding of tenancy deposits, equal opportunities and matters of discrimination. For example, this must include the maintenance of the property in line with the health and safety requirements of Part 1 of the Housing Act 2004.	Sections of the code deal specifically with these areas and include references to legislation where appropriate. Where new legislation is introduced this can be added when the code is reviewed annually by the Committee of Management. The safeguarding of tenancy deposits is dealt with in section 5 (5.00-5.03) and sets clear deadlines for deposits to be returned or dealt with. Equal Opportunities is dealt with in the first paragraph of the main code (1.0-1.01). Maintenance of property is covered in sections 3.05-3.11 which again sets clear deadlines for various categories of repair. The code is structured under seven broad headings which relate to the following aspects of the property owner, manager and tenant relationship regarding: • The fabric of the building within which the accommodation is provided; • The services that will be provided to tenants; • The activities carried out to market, let and manage the tenancy, and post tenancy, relationships; • The overarching requirements on all parties for equal opportunities and compliance with health and safety regulations.

General Requirements	***Evidence for compliance with requirements***
5. A code of practice should be consistent with applicable standards such as the management regulations for HMOs (say in relation to ensuring a secure and uninterrupted supply of services: gas (where applicable), electricity, hot and cold water, sewerage, lighting and post). It must provide for the ways in which the safety and security of the occupants is maintained and also for the means by which repairs and maintenance are to be carried out at the minimum inconvenience to those occupants. There must be clear provisions for the maintenance and availability of shared services and facilities (such as cooking, bathing, washing, WC and laundry facilities).	The National Code of Standards for Larger Developments is consistent with the management regulations for HMOs. Most of the issues raised through these are dealt with in section 3 (During the Tenancy) which covers: Ensuring Possession; Access; Repairs and Maintenance; Cleaning and Maintenance of Communal Areas; Furniture and Storage Space; Kitchen Facilities; Toilet and Personal Washing Facilities; Laundry Facilities and Mail Delivery. Health and Safety requirements are dealt with in Section 4 and cover Gas Safety, Electrical Safety, Energy Efficiency, Fire Safety, Security Measures, the Environment and Communal Lighting.
6. Before approving a code the appropriate national authority should take reasonable steps to consult persons involved in the management of the properties in question and persons occupying such accommodation or persons whom the appropriate national authority considers to represent the interests of those persons. This need not involve a separate consultation if the authority can be satisfied that those affected have been adequately consulted in the preparation of the code.	The Code enjoys the support of the National Union of Students (NUS), The Accreditation Network UK (ANUK), the Chartered Institute of Environmental Health Officers (CIEH), and Universities UK. All these bodies were fully consulted at all stages in the development of the code.

General Requirements	***Evidence for compliance with requirements***
7. The appropriate national authority must be satisfied that the code (or any subsequent modification of it) has been published (whether by the government or by another person) in a manner that the government considers appropriate for the purpose of bringing the code (or any modification to the code) to the attention of those likely to be affected by it; or that arrangements have been made for the code or modification to be so published.	The code is available publicly on www.unipol.leeds.ac.uk/largercode and is also publicised on www.anuk.org.uk. The code has been distributed to all the major developers of high density student accommodation as well as Registered Social Landlords engaged in supplying student accommodation. It has also been distributed to all Universities and HE institutions. Local Authorities who are members of ANUK have also received full information about the code.
Particular Requirements for Student Accommodation	***Evidence for compliance with requirements***
8. A student accommodation code should simply deal with housing matters. It should relate solely to the landlord-tenant relationship in the provision of property and should not have regard to other aspects of the relationship between the tenant as an individual and the landlord as an individual or body where those other aspects are not housing-related. Therefore in the relationship between a student and an academic institution that is also an accommodation provider, disciplinary procedures relating to the academic side of that relationship should not be applied (these procedures would not be available to non-university providers of accommodation – NB principle 1) save that a student's tenure in the accommodation concerned is a function of that person remaining a student.	The code is clearly a landlord/tenant code. It explicitly excludes systems of fining tenants within section 3.04 as follows: "Tenants are not subject to an internal fining system within their tenancy arrangements. Costs of any damage/s caused by tenants will be deducted from any deposit held or by other means sanctioned by law."

Particular Requirements for Student Accommodation	***Evidence for compliance with requirements***
9. A student accommodation code should require that the terms of tenure should be clearly set out in writing prior to the tenancy. These terms should include a commitment to the timely provision of accommodation at the start of the academic year, the terms on which any deposit is taken (subject to the provisions of the Housing Act 2004), a responsibility for responsible behaviour in relation to neighbours (and the treatment of anti-social behaviour), data protection, equal opportunities and a complaints procedure.	Pre-tenancy issues are covered in section 2 (Marketing prior to letting property to students). This section includes the issues of misrepresentation of the property; contractual terms offered; any additional fees charged; demands for deposits; the provision of written contracts; No use of unfair terms in contracts; procedures in the event of late delivery of projects. Neighbourhood residents have access to the complaints procedure (section 4.27).
10. A student accommodation code should provide that residents should have contact details for their landlord. They should also be informed of their insurance liabilities.	This area is covered in Sections 2.10-2.11 (Contact Details for Staff)
11. A student accommodation code should address certain health and safety issues that relate to fire, electrical and gas supplies and appliances, kitchen facilities and food storage, security measures and matters concerning common areas. This may include, for fire safety, adequately dealing with the provision and testing of alarm systems, adequate escape routes and advice to tenants. For gas and electrical safety this may include adequately dealing with the provision and testing of appliances. A code should reflect the need for a property to be reasonably fuel efficient, and adequately heated and ventilated. A property should also offer a reasonable level of security to its residents.	Health and Safety requirements are dealt with in Section 4 and cover Gas Safety, Electrical Safety, Energy Efficiency, Fire Safety, Security Measures, the Environment and Communal Lighting.

Particular Requirements for Student Accommodation	***Evidence for compliance with requirements***
12. A student accommodation code should require a tenant to be informed of clear policies and procedures for access by the landlord for maintenance and for cleaning.	Access is dealt with in section 3.01 to 3.03, this stipulates a requirement for 24 hours notice for access apart from in emergency or urgent situations.
13. A student accommodation code should have clear provisions as to the amenities that are to be provided in relation to kitchens, food storage and processing; bathrooms, toilets and showers; laundry facilities; furnishing; mail delivery and waste disposal.	These areas are covered in the following sections: Kitchens, food storage and processing – (3.15-3.18); bathrooms, toilets and showers – (3.19 – 3.21); laundry facilities – (3.22-3.23) furnishing – (3.13-3.14); mail delivery – (3.24-3.27); waste disposal – (4.21-4.22).

Annex H

Assessment against Criteria of Accreditation Network UK Code of Practice For Student Accommodation Managed by Undertakings Subject to HMO Licensing

See Annex G

Annex I

List of Organisations Formally Invited to Respond

Accreditation Network UK (ANUK)
Assett Skills
Association for Student Residential Accommodation (ASRA)
Association of London Government (ALG)
Association of Managers of Student Services (AMOSSHE)
Association of Residential Letting Agents (ARLA)
Association of Residential Managing Agents (ARMA)
Association of Tenancy Relations Officers (ATRO)
Association of University Chief Security Officers (AUCSO)
Association of University Directors of Estates (AUDE)
Association of University Heads of Administration (AUHA)
British Property Federation (BPF)
Chartered Institute of Environmental Health Officers (CIEH)
Chartered Institute of Housing (CIH)
Citizens Advice
Conference of University Business Officers (CUBO)
HMO Network
Housing Corporation
Independent Housing Ombudsman (IHO)
Law Commission
Local Government Association (LGA)
National Union of Students (NUS)
National Federation of Residential Landlords (NFRL)
National Landlords Association (NLA)
Opal Limited
Prime Living Group plc
Residential Landlords Association (RLA)
Shelter
Standing Conference of Principals (SCOP)
Unipol Student Homes
Unite plc
Universities UK
University Partnerships Programme (UPP)
University Safety and Health Association (USHA)
Wales: Higher Education Wales
Wales: Society of Directors of Public Protection in Wales
Wales: NUS (Wales)
Wales: National Assembly for Wales
Welsh Local Government Association

Annex J

Code of Practice on Consultation

The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.

Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.

2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.

3. Ensure that your consultation is clear, concise and widely accessible.

4. Give feedback regarding the responses received and how the consultation process influenced the policy.

5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.

6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full consultation code may be viewed at

www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm

Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact Adam Bond, ODPM Consultation Co-ordinator, Room 2.19, 26 Whitehall, London, SW1A 2WH; or by e-mail to: adam.bond@odpm.gsi.gov.uk