



Manchester
Student Homes
University Approved
Accommodation

Agent Accreditation --- Code Enforcement

manchesterstudenthomes.com

Enforcement of the Code is an essential aspect of the accreditation scheme; for accredited status to have value there must be consequences for non-compliance. At the same time, enforcement will be flexible and responsive to particular situations and will give Agents the opportunity to put things right.

This Code will be enforced proactively with inspections and assessments, and reactively by investigating complaints received from Students and Neighbouring Residents.

Agents who fail to comply with requests from MSH concerning code enforcement as detailed below may be suspended until MSH receives a satisfactory reply.

Agents will be subject to the enforcement of provisions relating to tenancy management and letting practices, across their entire portfolio of properties. Where any of the portfolio is Let Only, Agents will be expected to liaise with the landlords and where possible pass on contact details so that MSH may contact the Landlord directly.

Enforcement of property standards will only be applied to properties that are managed by the Agent

1. Property Inspections

- 1.1 Where a complaint of a significant nature has been lodged concerning the physical standard of an Agent managed property, MSH may wish carry out an inspection of said property, which the Agent will facilitate access to the property on request.
- 1.2 Elsewhere the allocation of inspections will be based on portfolio size and MSH will inspect a sample of properties registered with the Agent.
- 1.3 Where a property is found to be non-compliant the Agent will be informed and remedial action will need to be taken within a reasonable timeframe, which will be set following negotiations between MSH and Agent.
- 1.4 Accreditation and the advertisement of the Agent may be suspended until remedial action has been taken.

2. Paperwork Inspections

- 2.1 MSH will arrange to inspect the paperwork held by Agents at least every three years.
- 2.2 The allocation of inspections will be based on portfolio size and MSH will inspect a sample of properties registered with the Agent.

2.3 Paperwork requested will include the following:

- Gas Safety Certificates
- Electrical Safety Certificates
- Periodic Inspection Reports
- HMO Licenses
- Deposit Protection Information
- Tenancy Agreements

2.4 If the documentation is not forthcoming within fourteen working days, accreditation and the advertisement of the Agent may be suspended until copies have been provided.

3. Management Inspections

3.1 When conducting property inspections MSH will speak to Students and ask questions relating to their Landlord and/or Agent's management of the tenancy under this Code.

3.2 If a substantive issue comes to light, accreditation and the advertisement of the Agent may be suspended until remedial action has been taken.

4. Code Complaints

4.1 The Code Complaint procedure:

- a. provides Students with a right of action when something goes wrong.
- b. gives Students a means of having their grievances addressed.
- c. encourages remedial action on the part of Landlord and/or Agents.
- d. resolves disputes between Students and Landlords and/or Agents.
- e. enforces compliance with this Code.

4.2 Students are entitled to raise a complaint with MSH about any aspect of their tenancy, rented property or interaction with the Agent. Neighbouring Residents are entitled to raise a complaint with MSH about any matter relating to the property which may have an effect on Neighbouring Residents.

4.3 The Code Complaint procedure is as follows:

- a. A student or Neighbouring Resident may contact MSH for help and advice to resolve the problem informally in the first instance.
- b. All complaints must be addressed to MSH in writing and be submitted along with any supporting documentation. Complaints should be made as soon as possible after the event being complained about.

- c. MSH will then review the complaint and assess whether it falls within this Code:
 - i. If a complaint falls outside this Code, MSH will explain this to the Student or Neighbouring Resident and, where possible, will provide relevant support and advice in how to go about resolving the issue.
 - ii. If the complaint falls within this Code, MSH will commence an investigation, as outlined below.
 - d. MSH will contact the Agent to outline the nature of the complaint and invite a formal response from Agent.
 - i. If the Agent does not respond within two weeks, they will receive a reminder, if no response is forthcoming within 7 days of that reminder, their accredited status will be revoked.
 - ii. If the Agent responds, the investigation will continue.
 - e. If appropriate, MSH may offer to mediate between the two parties to reach a mutually agreed solution.
 - f. MSH will consider all the statements and evidence put forward by the parties and will determine whether a provision of this Code has been breached.
 - i. If a provision of this Code has not been breached, MSH will contact both parties in writing and explain why the complaint has not been upheld. If the Student or Neighbouring Resident is dissatisfied with this outcome they have the right to request that decision is reviewed by the Manager of MSH within 30 days of being notified of the outcome. The Manager will inform both parties in writing of the outcome of the review. Following which, they are entitled to appeal to the Code Tribunal (see section F below) within 30 days of notification of the outcome of the Manager of MSH's review.
 - ii. If a provision of this Code has been breached, MSH will contact both parties in writing and explain why the complaint has been upheld. If the Agent is dissatisfied with the outcome they have the right to request that the decision is reviewed by the Manager of MSH within 30 days of being notified of the outcome. The Manager will inform both parties in writing of the outcome of the review. Following which, they are entitled to appeal to the Code Tribunal (see section 6 below) within 30 days of notification of the outcome of the Manager of MSH's review.
- 4.4 If a breach of this Code has been established, and a Student or Neighbouring Resident's complaint upheld, MSH will consider the following factors in recommending enforcement action:
- a. How serious was the breach of this Code?
 - b. Was there a risk or actuality of harm to the Students or Neighbouring Residents?

- c. Have any statutory or contractual rights been breached?
- d. Have any statutory regulations been breached or laws been broken?
- e. Is there any action that can be undertaken by the Agent to bring about a satisfactory outcome to the complaint?
- f. Has such action already been taken and has a satisfactory outcome been achieved?
- g. Has the Agent fully cooperated with MSH in the investigation?
- h. How does the Agent intend to prevent non-compliance in the future?

5. Enforcement Action

5.1 All breaches of the Code of Standards are recorded against the Agent within the accreditation scheme. Repeated non-compliance will be treated seriously and may result in suspension and/or removal from the scheme.

5.2 A breach of the Code will result in one or more of the following outcomes:

- a. No further action.
 - i. The breach will be recorded against the Agent in the accreditation scheme. A record of non-compliance will result in greater scrutiny through inspections and may result in more serious enforcement action should complaints be received in the future.
 - ii. No further action may be taken if the established breach of this Code is minor and the Agent is taking/has already taken steps to rectify the breach and any harm or damage arising from it.
 - iii. The decision to take no further action may be dependent upon the following conditions:
 - 1. a probation period may be imposed.
 - 2. specific training may be required.
 - 3. specific remedial action may be required.
- b. A warning may be issued to the Agent.
 - i. The Agent will be warned in writing in relation to the specific breach of this Code and that any further breaches, either a continuance of the current problem or a further breach, will result in a full review of their accredited status.
 - ii. A warning may be issued where the Code breach is serious or when the breach is minor but the Agent has a poor record with the Scheme and the Agent has agreed to take steps to rectify the breach and any harm or damage arising from it.

- iii. Conditions may be attached which will govern the continuation of the Agent's accredited status such as:
 - 1. a probation period may be imposed
 - 2. specific training may be required
 - 3. specific remedial action may be required
 - 4. a probation period may be imposed
 - 5. specific training may be required
 - 6. specific remedial action may be required
- c. Revocation of accredited status under the Scheme permanently or for a specified period of time.
 - i. The Agent will no longer hold MSH accreditation, cannot claim to do so, and cannot access any services offered by MSH, including but not limited to property advertising. Any current advertising will end with immediate effect.
 - ii. Revocation of accredited status may occur when the breach of the Code is serious, when the Agent is unable or unwilling to rectify the breach, when the Agent has a poor record within the accreditation scheme, when the conditions of an earlier warning have not been met, or when conditions imposed as part of an earlier warning have not been complied with.
 - iii. Conditions may be attached which will govern any future return to the accreditation scheme such as:
 - 1. a probation period may be imposed
 - 2. specific training may be required
 - 3. specific remedial action may be required
- d. Revocation of accredited status under the Scheme, permanently or for a specified period of time, along with referral to the local authority, and notification to all stakeholders.
 - i. The Agent will no longer hold MSH accreditation, cannot claim to do so, and cannot access any services offered by MSH, including but not limited to property advertising. Any current advertising will end with immediate effect.
 - ii. MSH will communicate the revocation of the Agent's accredited status and the reasons for such revocation to the local housing authority, the universities, student unions, Students and other Accredited Landlords and/or Agents as appropriate.
 - iii. revocation of accredited status and referral may occur when the breach of the Code is serious, when the Agent is unable or unwilling to rectify the breach, when the Agent has a poor record within the accreditation scheme, when the conditions of an earlier warning have not been met, or when conditions imposed as part of an earlier warning have not been complied with, and when it is in the interests of the local authority and a stakeholder or stakeholders to be informed.

- iv. Informing stakeholders of Enforcement Action is the most severe Enforcement Action available to MSH. Information will be passed through the following means:
 - 1. Local housing authority: will be informed by email to the relevant officer or department when the breach of the Code also raises statutory obligations or powers which the local housing authority has jurisdiction over.
 - 2. Student Unions: will be informed by email to the relevant executive officer.
 - 3. Other Accredited Landlords and/or Agents: will be informed through the regular email updates from MSH.
 - 4. Students living in the Agent's properties: will be informed by email or in writing.
 - 5. Student body: will be informed by email to the student communications teams at the universities. Decisions will only be broadcast so widely when there is a significant risk to the welfare of Students or the reputation of MSH and/or the universities.
 - 6. The universities: will be informed by email to senior staff. Decisions will only be brought to the attention of the universities when there is a significant risk to the welfare of Students or the reputation of MSH and/or the universities.
 - i. Conditions may be attached which will govern any future return to the accreditation scheme such as:
 - 1. a probation period may be imposed
 - 2. specific training may be required
 - 3. specific remedial action may be required
- 5.3 Any and all enforcement action is carried out at MSH's discretion and each case will be decided on the facts available to MSH at the time. The examples above are for guidance purposes only and should not be relied on.
- 5.4 MSH reserves the right to make any enforcement action public through any means.
- 5.5 Further information is available in relation to Code Enforcement from MSH on request.

6. Appeal

- 6.1 Should the Student or the Agent be dissatisfied with the outcome of a Code Complaint, they are entitled to request a review of the decision by a Code Tribunal.
- 6.2 The Code Tribunal will consist of the following individuals [insert details].
- 6.3 The nature and extent of the appeal will be at the discretion of the Chair of the Tribunal.
- 6.4 The Tribunal will normally conduct the appeal by way of a review of all of the documentation and representations. An oral hearing will not be held unless, in all the circumstances, the Chair of the Tribunal considers it necessary to do so.

- 6.5 Any request for a review should be sent within 30 days of the written notification of the outcome of the Manager of MSH's review of the decision.
- 6.6 A request for a review should be in writing, and should include all the representations that the Student or the Agent wish to be considered by the Tribunal. Any supporting documentation should be submitted at the time of the request.
- 6.7 Upon receipt of the request, the Tribunal will be convened.
- 6.8 MSH will be provided with copies of the review request, representations and supporting documents and will be asked to provide a response.
- 6.9 The Tribunal will then consider the documentation and may ask specific questions or invite further representations from either party. All parties must respond to the Tribunal within the time frame specified in the request.
- 6.10 The Tribunal will inform both parties in writing of the outcome of the appeal. The Tribunal may recommend such as action and impose such conditions as are reasonable and appropriate in all the circumstances.
- 6.11 The decision of the Tribunal is final.
- 6.12 The Tribunal may suspend or terminate an Appeal where:
- i. the appeal is received out of time;
 - ii. MSH has made a reasonable offer to settle the complaint and the Student or Landlord and/or Agent has refused it. In these circumstances, the Tribunal may ask MSH to repeat the offer for a certain period of time;
 - iii. the Student or Agent has repeatedly failed to comply with time limits set by the Tribunal, or has unreasonably delayed in the conduct of the Appeal;
 - iv. the Student or Agent has acted aggressively, offensively, abusively, or unreasonably persistently, or has made unreasonable demands in the conduct of the Appeal;
 - v. the Appeal has no real prospect of success;
 - vi. the Student or Agent can no longer be contacted; or
 - vii. there are other good reasons for doing so.