

Universities UK/Guild HE

**Code of Practice for the Management of Student
Housing**

August 17th 2010

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Introduction, Purpose and Scope

Introduction

i) This code replaces the Universities UK/Standing Conference of Principals Code of Practice for the Management of Student Housing dated 20th February 2006 (“the 2006 Code”)

The 2006 Code was developed during 2005 primarily to assist managers, and anyone involved in the management, of student accommodation by setting out the main elements of good management practice. It covered among other matters, health and safety, maintenance and repair, and relationships between managers and student tenants. It was also designed to assist students in understanding both the standards and procedures applying to their accommodation and their obligations as tenants or licensees.

ii) The Standing Conference of Principals (SCOP), the Association of University Directors of Estates (AUDE), the Association for Student Residential Accommodation (ASRA), the College and 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 AMOSSHE the student services organisation, cooperated in the preparation of the 2006 Code. The DCLG, formerly the ODPM, the National Union of Students (NUS) and the Accreditation Network UK (ANUK) were also consulted during its preparation.

iii) This Code has been developed by Universities UK¹/GuildHE² and has been designed giving due regard to the particular characteristics of student housing, and to management practice, in the higher education sector. Where appropriate it may serve also as the code for further education establishments (FEEs). In considering signing up to this Code FEEs, like higher education establishments (HEEs), will need to ensure that their management practice (for example with respect to complaints procedures) is compatible with the Code. All the provisions of this Code will apply to FE accommodation except insofar as other legislation, notably with regard to students aged under 18, specifically applies.

iv) Administration arrangements for the 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. The administration arrangements also provide mechanisms for identifying, and helping remedy, any shortcomings in management of student accommodation. Where audit and/or

1 Universities UK is the major representative body and membership organisation for the higher education sector. Our members are the executive heads of UK universities.

2 GuildHE is a recognised representative organisation within the higher education sector IT provides a forum for members and their institutions to discuss and disseminate guidance and to exchange useful practices and good ideas.

complaints indicate a persistent management failure an HEE (or FEE) may be deemed to be no longer compliant with the Code.

Purpose

v) Arrangements for the management of student accommodation vary considerably between HEEs and a range of professional HE bodies are involved in providing 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 HE and FE sectors for a “source document” covering a broad range of issues pertaining to HE and FE residential accommodation.

vi) It is intended to serve also as one of the approved codes of practice for HE and FE “managed and controlled” accommodation under the Housing Act 2004 which, among other provisions, introduces a system of licensing for houses in multiple occupation (HMOs). The national authority (the Secretary of State in England or the Welsh Ministers, in Wales) may “except” from the definition of an HMO, for the purposes of licensing, accommodation³ 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. 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) The Act further provides⁴ that the national authority may approve one or more codes of practice laying down standards of conduct and practice to be followed with regard to the management of HMOs or of accommodation excepted from the definition of an HMO.

viii) 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.

ix) Regulations to be made under the Act are to except student accommodation which is “managed and controlled” in conformity with an approved code. In this context managed and controlled by a higher or further education establishment is taken to mean that the establishment carries the main responsibility for repair and maintenance and for the day to day landlord and tenant relationship. Annex A explains the method by which a determination should be made of which buildings are managed and controlled for the purpose of this Code.

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

4 Section 233

x) There is much variety in student housing in HE and FE estates. It ranges from historic buildings to buildings of the 21st century and, for example, from accommodation built and equipped specifically for a college style and culture to that provided to meet demand for more independent living. This has practical implications for the specification of best management practice. It requires a generic approach rather than an overly detailed specification and, of necessity, a local as well as a national dimension. This Code, therefore, 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).

xi) 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 given to changes in regulatory requirements, and to developing requirements and standards within the HE and FE sectors. This code was first amended in October 2010 following a due process which included:

- Consultation with the Sector Advisory Group made up of CUBO, AUDE, ASRA and NUS with additional external input from an independent firm of auditors with experience in assess compliance with the code in the sector
- Workshop held in December 2009 with registered members and NUS representatives
- Circulation of the draft revised CoP for consultation with all registered members
- Circulation to the Governance Board with a request that representatives circulate to their membership for wider consultation
- Circulation to the ANUK Board for external stakeholder engagement with other student accommodation providers
- Presentation in March 2010 to the Governance Board of the final draft for approval to submit to the CLG by the 9th April
- Feedback and inclusion of amendments from CLG June 2010.

Scope

xii) Higher (and further) education establishments (H/FEEs) have distinctive management arrangements including independent governing bodies. They are subject to both internal and external independent 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 and FE provided student housing, some general but some specific. The scope of this Code therefore reflects the particular circumstances of HEEs and FEEs. 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.

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

xiv) The Code has been prepared having regard to the requirements for licensed houses in multiple occupation under the Housing Act 2004. Codes provide greater detail and advice on best practice. However as the relevant consultation paper produced by the former Office

of the Deputy Prime Minister states, codes are not intended to set new or higher physical standards than those in that legislation “other than for aspirational purposes”⁵.

xv) 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. If any HEE/FE has difficulty in obtaining access to any of the support codes of standards within this document please contact the UUK CoP National Administrator who will liaise with the appropriate professional body to provide guidance and support.

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

xvii) Some HE and FE 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 and Annex B). It is possible that some may be subject to proposals for additional licensing.

xviii) It should be noted, that while HE or FE accommodation that is managed in compliance with the Code may be exempt from licensing under the Housing Act, such accommodation is not exempt from the provisions on housing standards in Part 1 of the Act. The approach to assessing housing conditions (the Housing, Health and Safety Rating System, HHSRS)⁶ applies to all housing – including local authority housing . There should be no category 1 hazards in an establishment registered under this Code.

xix) Annex B gives a brief outline of the principal provisions of the Housing Act 2004 relevant to student accommodation managed and controlled by HEEs and FEEs.

xxi) It is the intention that, in principle, this Code should apply to all student housing managed and controlled by a higher or further education establishment. However some of the provisions of the Code will not be applicable to certain small off-street individual properties leased by H/FEEs from private providers and these should be excluded from the list of buildings in the Schedule. (See Annex A to this Code for the full definition). There will be some variation, moreover, in the extent to which the Code applies. For example, weekly fire alarm tests would not be appropriate in the case of small buildings. And in

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

6 See the Housing Health and Safety Rating System (England) Regulations 2005 S.I.2005 No.3208.

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 and controlled by the education establishment providing the course.

Code of Practice

1. General

1.1 This Code assumes an establishment's compliance with all statutory requirements as contained within housing, building, planning, disability discrimination, equal opportunities, data protection and other relevant legislation, as well as adoption of good practice principles such as the 'Support and Guidance for Equality and Diversity' published by the Equality Challenge Unit (ECU). As noted in paragraph iii) in the introduction to this Code, the provisions of this Code will apply to FE accommodation except insofar as other legislation, notably with regard to students aged under 18, applies. Some references are made in the text to specific requirements where this may be helpful to accommodation managers. The word "must" is generally used throughout this code to indicate a statutory requirement, as opposed to a desirable or notable practice, where alternative words are used.

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. H/FEEs should ensure that their documentation provides evidence of compliance with the Code.

1.3 H/FEEs should ensure that student representatives are fully involved in review, complaints and other procedures integral to the administration of this Code.

1.4 All H/FEEs must make arrangements to publicise the existence of the Code to potential students in addition to advising students of the Code during the induction process to residential accommodation.

1.5 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.

1.6 H/FEEs should ensure that staff are appropriately trained in order to deliver the standards required by the code including equality and diversity.

2. Health and safety standards and procedures

2.1 Student residences and their contents as supplied by an establishment 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 H/FEEs must make an analysis of the risk of such events as fire, outbreak of disease or major breakdown of services and equipment and develop procedures for dealing with them. The analysis and the procedures must be documented (e.g. in risk registers) and should be readily available for inspection.

2.3 Students must be given clear advice and information on what action is to be taken in the event of an emergency e.g. how to access first aid provision, relevant contact details and mechanisms for reporting incidents and raising health and safety issues.

2.4 It must be a requirement in every tenancy or license agreement for the student to maintain a reasonably safe environment for the H/FEE's employees who may have to enter the premises e.g. ensuring that cables to personal electrical equipment are safe.

2A. Fire safety

Prevention

2.5 Information and advice must 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 and the safe use of cooking equipment
- 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 misused

Detection and alarm

2.6 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 or local authority as appropriate.

Specifically:

- Fire alarm systems must be tested weekly at pre-arranged times (but see paragraph xxi) of this Code).
- A record of fire alarm testing and inspection must be maintained.
- At the beginning of their period of occupation students must be provided with information on fire safety and good practice. Advice on action to be taken in case of fire including fire containment procedures must be prominently displayed.

- Any fire extinguishing equipment provided must be properly maintained.

Escape routes

2.7 In order to ensure safe evacuation of properties in the event of fire, safe access and egress (means of escape) must be maintained – including corridors, landings, stairs and hallways. The means of fire escape – internal and external – must 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 or local authority as appropriate. Safety systems including:

- 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 must be regularly tested in accordance with the appropriate British Standard.

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

2.9 Once a student with a disability (including those with a temporary disability) is identified, the H/FEE must undertake an assessment and put in place any specific arrangements (e.g. personal evacuation plans) 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 statutory gas and electrical safety requirements and British Standards.

2.11 Where students need to operate controls for gas fired central heating, hot water systems, and / or fixed electrical room heaters or appliances, simple and precise instructions for their safe and efficient use must be available.

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 Gas Safe registered gas installer. A copy of the safety certificate must be available in accordance with the regulations.

Electrical Installations

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

2.15 All building electrical installations must be inspected and tested in accordance with statutory requirements, and the results recorded in an appropriate register.

Lighting

2.16 Lighting must 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.

Portable Appliance Testing (PAT)

2.17 All portable appliances supplied by an H/FEE, or used in the premises by H/FEE staff, must 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. The H/FEE must make students aware of the PAT policy, and any procedure for having students' personal electrical equipment tested.

2.18 There must be a procedure for dealing with any potentially dangerous personal electrical equipment. This might include labelling as unsafe, an instruction to remove, or in extreme cases (subject to the terms of the licence or tenancy), for example if there is a risk of fire or electrocution, removal to safe keeping or disabling. The students must be made aware of the procedure and the action implemented.

Water Supplies

2.19 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

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

Water Hygiene

2.21 Hot and cold water services must be installed, monitored and maintained in accordance with HSE and statutory public health requirements including Legionella testing.

2C Security

Building and room security

2.22 H/FEE managed accommodation must be securable against intrusion. All registered buildings must be subject to local security risk assessments, with particular attention being paid to access control, surveillance of site perimeter and securing ground and basement windows.

2.23 All main entrances and individual bedroom doors must be lockable, the main entrance door being accessible by all student tenants of the building and bedroom doors accessible only by the student occupant.

2.24 All basement, ground and first floor windows must be securable by the student in order to deter theft and intrusion in student bedrooms.

Staff

2.25 All members of staff (including contractors) must be readily identifiable whilst on the premises. There must be a record kept of staff accessing bedrooms in the absence of the student.

2.26 Staff must be subject to vetting / checks in accordance to the institution's policy formulated under the relevant legislation. Such policy to include reference to contractors.

2.27 The procedures regarding the issuing of keys/access cards [including the replacement of lost keys] must be clear and transparent and arrangements for access in the event of lost keys etc must be set out in the students' welcome pack or equivalent.. (see 5.6)

Emergency contacts/ procedures

2.28 Establishments must advise students of the procedure to follow in the event of an emergency e.g. bomb alert, summoning an ambulance, reporting a crime or suspicious behaviour.

CCTV

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

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

Kitchen facilities and cooking equipment

2.30 Where provided, all kitchen facilities must be maintained in good order and repair with all equipment supplied in good working order. Facilities for the preparation, cooking and storage of food must be appropriate to the number of students using the facilities in accordance with local authority published standards

Users' instructions must be available.

Food storage

2.31 Cold storage provision must be made available within self-catering properties.

Bathroom, toilet and shower areas

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

Furnishing Quality

2.33 Décor and furnishings should be provided and maintained in reasonable condition. All furnishings provided must conform to the relevant regulations.

2.34 All bedrooms must be fitted as a minimum with bed, mattress, worktop or study desk, chair, curtains/blind, drawers/shelving, wardrobe and waste receptacle.

Post and Mail

2.35 The H/FEE must put in place suitable arrangements for the receipt and distribution of student mail. The arrangements should be set out in the students' welcome pack or similar induction material. Distribution and collection details should be made available.

Students should be advised of any arrangements for forwarding or redirecting mail after the end of the tenancy/license period.

3. Repair and Maintenance management

Approved contractors

3.1 Where an H/FEE is directly responsible for repairs and maintenance these must be carried out by appropriately identified H/FEE employed staff or external approved contractors.

Fault / Defect notification and rectification

3.2 The H/FEE must provide students with information on how to report a defect or fault, including out of office hours procedure and expected response times from the service provider.

3.3 The information should set down response times in the published categories – the usual terminology will be: emergency, urgent and non urgent. If response times are different for different locations this should be made clear. Students should be kept informed of progress in rectifying any reported defect and in particular any delay in meeting defined response times e.g. if an initial visit is diagnostic or if batching of works occurs.

3.4 Where repairs or maintenance work is necessary due to damage caused by residents or their guests, the residents should be notified of the total costs and charges for the repair as soon as practicably possible.

Planned Maintenance

3.5 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. For urgent work the minimum notice should be 24 hours unless an emergency requires immediate action.

Grounds maintenance

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

3.7 Grounds should be cleared of rubbish and litter on a regular basis and kept tidy. Students should be encouraged to avoid causing, or adding to, litter. Particular care should be taken to provide adequate and appropriately located cigarette disposal bins.

Snow and ice clearance policies

3.8 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 where residences are part of a campus environment. Residences in urban areas should display advice regarding the Local Authority's responsibilities.

4. Environmental Quality

4.1 Adequate heating, lighting, hot water and ventilation must be provided, as appropriate, for each bedroom, social space, kitchen, circulation space (e.g. corridors, stair cases, entrance lobbies) and shower/bath room.

Energy Efficiency

4.2 H/FEE's must be able to demonstrate how they encourage residents and staff to be environmentally responsible in their consumption of energy and water.

Refuse Collection

4.3 Provision must be made for the collection of all domestic refuse generated from residences. Details should be communicated to students and notices on collection arrangements should be placed in appropriate common areas.

Pest Control

4.4 Arrangements for reporting infestations should be made clear together with the anticipated response times.

Recycling

4.5 Where local authority or private recycling/reuse schemes exist, and where it is viable to do so, the H/FEE should encourage residents to take advantage of this provision. Details of recycling arrangements, including the location of recycling stations should be communicated to students and contained in the H/FEE's environmental policy.

Transport and Travel

4.6 Residents must be advised of any car parking arrangements. The information provided must also refer to the availability of bicycle and motor cycle parking.

4.7 Residents should be provided with details of access to public transport and any designated safe walking routes.

5. Landlord and tenant relationship

5.1 H/FEEs must have a clear and coherent statement in place outlining the relationship between the H/FEE, as landlord, and the student, as tenant or licensee.

5.2 A written contract must exist between the H/FEE and student for the provision of residential accommodation prior to the commencement of the tenancy. This must be provided by the H/FEE and include reference to any contractual terms and responsibilities of both the H/FEE and the student. The H/FEE must provide the student with a copy of this residential contract.

5.3 The terms of any contractual relationship and information on the respective roles and responsibilities of the H/FEE and the student must be made available to all prospective residents in advance of students entering into a contractual relationship for residential accommodation.

5.4 Establishments should return deposits held within 28 days of the end of the tenancy.

5.5 The H/FEE must make available the following information:

5.5.1. Students must be advised of any cleaning schedules. These must include which areas are cleaned, the frequency of cleaning, and any student responsibility for cleaning of facilities in accordance with a service level statement if applicable. All rooms must be prepared for the start of occupancy in a clean and habitable condition.

5.5.2. Laundry facilities where provided, must be in maintained in good working condition. Instructions, including fault reporting and emergency procedures, must be made available.

5.5.3. The relevant procedures for application and allocation of residential accommodation including any application eligibility criteria.

5.5.4. The total number of rooms available by type (i.e. single, en suite and self catering).

5.5.5. The fees and charges for each type of available accommodation.

5.5.6. The length of the contract period for each room type.

5.5.7. Availability, if any, of parking facilities and/or cycle storage.

5.5.8. Payment schedules and options for payment, 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.

5.5.9. Damage deposits / caution fees: how any scheme operated by the H/FEE is administered and specifically: how much is to be paid, what the money is to be used for, and when/how balances are to be returned.

5.5.10. The terms under which a student or H/FEE is able to terminate or cancel a residential contract.

5.5.11. The procedure for lodging a complaint about the residential accommodation or management of the property, or ancillary services provided by an H/FEE.

5.5.12. Information concerning management's right of access to a study bedroom.

5.5.13. Service level statements (SLS's) or equivalent: should set out schedules and response times for any services which are required in each establishment.

5.5.14. The procedure for reporting a defect or requesting maintenance: including who to contact.

5.6 Arrangements for access in the event of lost keys etc must be set out in the students' welcome pack or equivalent.

Induction Briefing

5.7 H/FEEs must hold an induction briefing, and/or provide relevant information to students by way of welcome literature or other e-induction processes at the beginning of occupation. This must advise students that their accommodation is covered by this Code. It should also include specific advice on issues such as health, safety (e.g. fire evacuation procedures) welfare matters, conduct and behaviour and guidance on communal living.

Management contact details

5.8 At the commencement of occupancy H/FEEs must provide students with relevant contact details of duty officers / wardens / security staff, student representatives etc and also, as appropriate, any central accommodation office, maintenance office or halls office.

Insurance liabilities

5.9 H/FEEs must provide a statement outlining the extent of their own insurance liabilities in respect of a student's belongings and personal items.

6. Health and Wellbeing

6.1 H/FEEs must provide information to students in respect of its provision of welfare support, financial advice and counselling services, particularly to the provision of accommodation. The information provided must also include reference to services provided by the students' union.

6.2 H/FEEs must ensure that residents have information on and access to out of hours emergency support including contact details and procedures to follow.

6.3 H/FEEs must encourage registration with the local health service or a local GP or, where these exist, with their own medical services.

7. Anti Social Behaviour and Disciplinary Procedures

7.1 The H/FEE must demonstrate procedures to minimise and, deal with, any anti-social behaviour⁷ by tenants or their visitors.

Conduct & behaviour

7.2 The H/FEE should encourage residents to act in a fit and proper manner at all times, treat both the property and neighbours - fellow students, staff and members of the local community – with due respect, regard and consideration.

⁷ The term anti social behaviour is used here in a general and not a specific statutory sense.

7.3 The H/FEE must make residents aware of the H/FEE's code of behaviour and disciplinary procedures, and how it deals with any inappropriate conduct or behaviour.

8. Code Administration and Code Compliance

8.1 H/FEEs are well established, self-managing organisations. Independent governing bodies oversee their management. Most establishments are subject to regular, independent, internal audits on which reports are made to governing bodies. In addition it is a requirement that establishments' independent external auditors review all aspects of management. Findings on the quality of management are included in an H/FEE's annual report.

8.2 H/FEEs are required to have established internal mechanisms for dealing with complaints from students, including those in relation to accommodation issues. Students may also have recourse to certain external complaints procedures.

8.3 Given the existing framework of H/FEE management, establishments themselves will be the primarily accountable bodies for the management and operation of the Code. In addition, a coordinating body and a body to oversee its operation and deal with issues concerning compliance or non-compliance with the Code have been established.

8.4 A Governance Board and a separate Sector Advisory Group have been established, with membership drawn from both the HE sector and independent representative agencies.

8.5 The Governance Board and the Sector Advisory Group have independent Terms of Reference. It is the role of the Sector Advisory Group to oversee the Code's operational management, (including updating the code and drawing together establishments' reports, stakeholder feedback and other forms of monitoring) and make policy recommendations to the Governance Board.

8.6 . H/FEE Code members must ensure that there are arrangements in place for their internal auditors to carry out the necessary compliance work in respect of the triennial reviews as well as appropriate assurance work in the intervening years.

8.7 . Each H/FEE is required to undertake a compliance review ever three years and provide the Code Sector Advisory Group with a report outlining the audit findings and management responses. Where the main compliance audit has resulted in recommendations, reports as to the progress and implementation of those recommendations should be provided to the Sector Advisory Group in the successive years prior to the next triennial compliance review. Annex D to this Code outlines the audit and compliance progress. H/FEE's will need to assess how they gain assurance about the ongoing application of the Code requirements in the intervening years between the triennial compliance reviews.

8.8 The Sector Advisory Group (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 make a recommendation to the Governance Board

that H/FEE is no longer compliant with the Code in respect of some or all of its student accommodation. In the event that the Governance Board endorses such a recommendation, a building or all of a H/FEE's accommodation may be suspended from the Code. Any such decision would be made public.

8.9 Universities UK/Guild HE will have overall responsibility for administering the Code of Practice. This duty is discharged through the Governance Board and Sector Advisory Group respectively. Such duties will involve the following:

8.9.1. 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.

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

8.10 An independent standing committee, **the UUK/Guild HE Governance Board⁸**, will have representation from relevant stakeholder groups including: university and college senior management; specialist professions in the HE and FE sectors; NUS; CLG; ANUK; and LACORS.

8.11 The Sector Advisory Group will oversee the operation of the Code and issue guidance as necessary on day to day management issues. It will conduct an **annual review** of the Code taking account of H/FEEs' experience, audit findings, complaints raising issues with regard to compliance with the Code and reports from other bodies (see below). In order to ensure that the Code is operated effectively and updated as appropriate, establishments will be asked to provide summary information to the Committee as follows:

- 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 (not FEEs) (see Annex C).
- The relevant section of auditors' reports, management's response and the timescale for addressing auditors' recommendations.

⁸ The responsibilities of the Board are: to oversee the operation of the Code and issue guidance as necessary on management issues; to conduct an annual review of the Code taking account of H/FEEs' experience, audit findings, complaints raising issues with regard to compliance with the Code; to request reports from institutions on any complaints involving breaches of the code that have been reported directly to the Board or to external bodies; and having regard to audit reports and reports of complaints submitted to it, to consider cases of alleged non-compliance and if necessary undertake further investigation. The Board 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 Board may declare that an H/FEE is no longer compliant with the Code in respect of some or all of its student accommodation.

8.12 In addition, the Sector Advisory Group will seek reports from institutions on any complaints involving breaches of the Code that have been reported directly to them or to external bodies.

8.13 Having regard to the reports of these bodies, audit reports and complaints submitted to it, the Sector Advisory Group will consider cases of alleged non-compliance and if necessary undertake further investigation. The Sector Advisory Group may make proposals to help remedy any identified defects in an H/FEE's management of its student accommodation.

8.14 In cases of serious or persistent management failure the Sector Advisory Group may decide that an H/FEE is no longer compliant with the Code in respect of some or all of its student accommodation. In such a case a recommendation will be made to the Governance Board to suspend the building, or H/FEE's membership of the Code. In the event that a building is removed from the Schedule, this will be brought to the attention of the local housing authority in whose area the building is situated.

8.15 Adoption of the Code by an H/FEE involves the following responsibilities:

- The H/FEE must submit to UUK a list of all the buildings which it manages or controls which are covered by the Code. This list must be updated by the establishment, and UUK notified, on an annual basis.
- These buildings must 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 and controlled by an H/FEE 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.
- H/FEEs must ensure that an appropriate complaints mechanism is in place and that this mechanism is suitably integrated into wider complaints mechanisms in the institution. All such mechanisms should allow for student representation. Establishments are required (on request, in the context of periodic review of the Code) to supply, anonymised as regards student complainants, summary information to Universities UK on any significant complaints relating to the institution's operation of the Code. (A 'significant' complaint is one which has not been resolved through the residential departmental process, and therefore has been escalated to the University/College general or overarching complaints procedure.)
- H/FEEs must ensure that their internal auditors include the establishment's management of its student accommodation in relation to the Code within the scope of their audit. Internal auditors should review an establishment's operation of this Code as part of their annual work cycle. A sample audit should be undertaken every three years, and follow up compliance work undertaken annually. The relevant section of auditors' reports, management's response and the timescale for

addressing auditors' recommendations should be provided to the Sector Advisory Group.

- 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 this event some or all of an H/FEE's buildings will be removed from the list in the Schedule to the Code; and if any or all of such buildings would otherwise be subject to mandatory licensing the establishment must seek licence(s) from the relevant local authority.

Annex A What is “managed and controlled”?

It is necessary to determine whether student accommodation is managed and controlled by an *educational establishment* or, in partnership with an H/FEE, by another *provider*. A method has been developed for the ANUK Code of Standards for Larger Developments for this purpose and the UUK/Guild HE Code adopts that method.

The method allots points, reflecting perceived relative importance, to each element of management and control.

The elements are as follows:

Marketing – reflects who is responsible for promoting and letting the building. If the development is an underwritten or formal nomination 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. 1 point

Rent Collection – reflects who collects the rent. 1 point

Tenancy – This reflects with whom the student tenant signs their tenancy: the educational establishment or another provider. This is an important matter since it sets the legal framework for the whole letting. 6 points

Hard Facilities Management (FM) – 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). 2 points

Soft Facilities Management (FM) – means the services that are provided to the students occupying the building. There are five questions related to aspects of those services:

- **Cleaning** – who undertakes the cleaning, either of the residences or the communal areas? 1 point
- **Security** – who undertakes the security, particularly out of hour's security? Often this work is shared between a provider and an educational establishment, in which case points would be awarded to both. 1 point
- **Repairs** – who undertakes any day to day repairs within the building? 1 point
- **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? 1 point

- **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. 1 point

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? 2 points

Residential Cover – who provides over night residential cover to deal with tenant issues that occur overnight? This excludes security related matters dealt with above. 1 point

The answer to the questions can be yes, responsible; no, not responsible; both are responsible.

The higher overall score determines whether an *educational establishment* or another *provider* has control and management of the building.

Whether a building is managed and controlled by an educational establishment can thus be determined by reference to the table below.

Provider Available		Who	Educational Establishment Points		Other Provider 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

Annex B Outline of principal relevant provisions in the Housing Act 2004

Note this annex 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 Department for Communities and Local Government are incorporated directly. The Annex is NOT an authoritative representation of the legal position.

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)

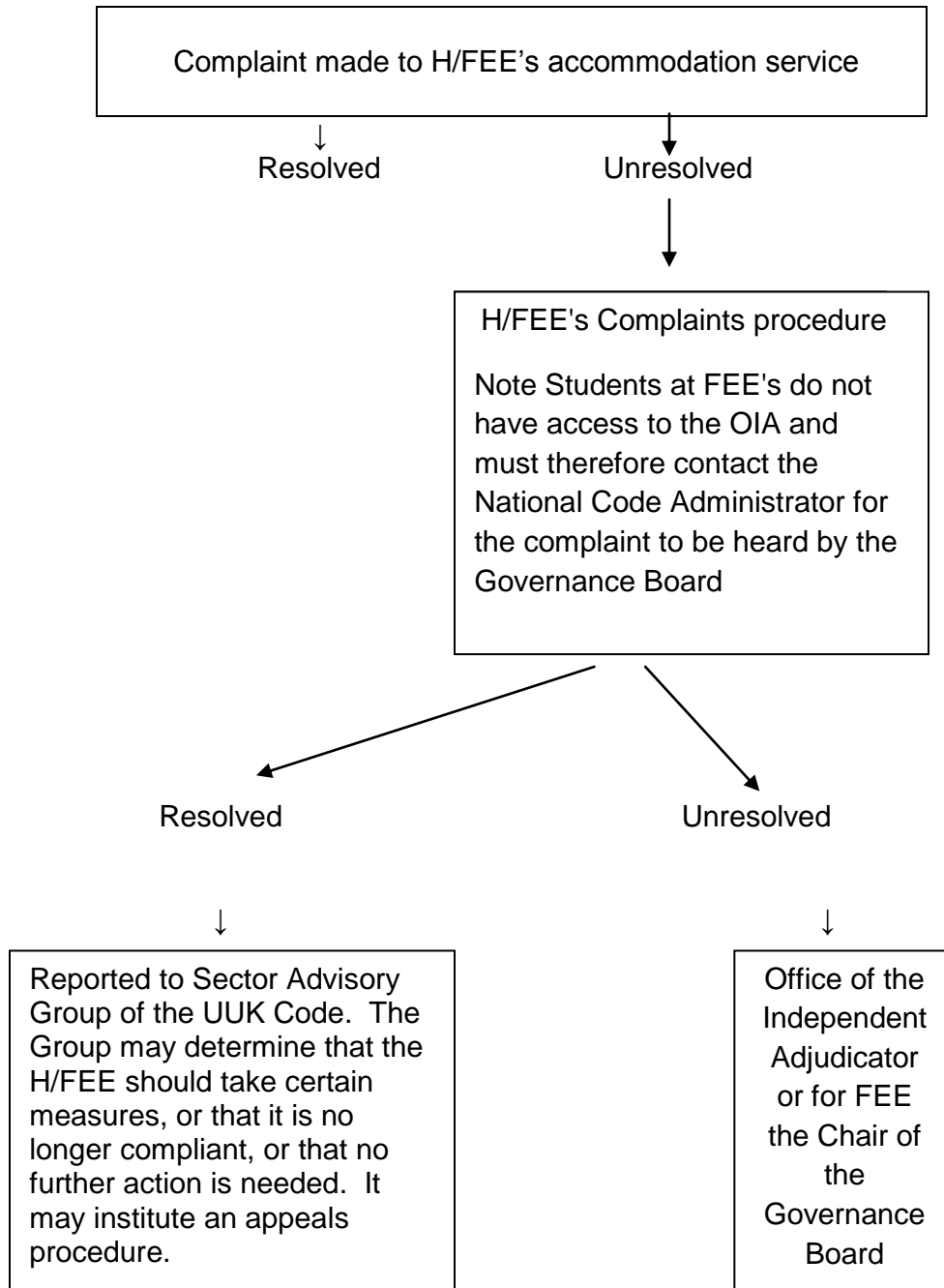
6. Part 2 of the Act is concerned with licensing of houses in multiple occupation – the requirement for these to be licensed, procedures for grant or refusal of licenses and related matters. There is a new definition of a house in multiple occupation (HMO): in essence a house or flat occupied by more 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 is 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 and 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 HMOs.
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 and controlled by H/FEEs 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).

Annex C Complaints procedure



Annex D Audit and compliance process within the higher or further education establishment

1. Internal Auditors include the establishment's management of its student accommodation, in relation to this Code, within their overall assessment of institutional risk and make provision for compliance audits every three years with appropriate follow up arrangements.
2. Internal Audit reports on the management of student accommodation are reviewed by an institution's Audit Committee with minutes of their meetings being received by it Governing Body.
3. In cases where non-compliance with the Code is identified an action plan is prepared setting out how deficiencies are to be remedied

UUK/Guild HE Sector Advisory Group

1. Receives, from all HEEs and FEEs signatory to this Code, the relevant section of auditors' reports, management's response and the timescale for addressing auditors' recommendations.
2. Examines cases of non-compliance identified in auditors' reports.
3. Receives information on complaints referred to a senior body within an H/FEE.
4. Commissions and receives reports on complaints that have been referred directly to the UUK/Guild HE Code or to external bodies.

Action by the Sector Advisory Group

5. In the light of information and reports received (3-5 above) the Board may:
 - Determine that no further action is needed.
 - Make proposals to the H/FEE 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 and, therefore, suspend the building or establishment from the Code.

Note: Below is the full flow chart of this process which is also available to download on the UUK Code Website.

Audit Compliance Process

