



Universities UK



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**Universities UK/SCOP
Code of Practice for the Management of
Student Housing**

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Introduction, Purpose and Scope

Introduction

i) This Code has been prepared primarily to assist managers, and anyone involved in the management, of student accommodation by setting out the main elements of good management practice. It covers, among other matters, health and safety, maintenance and repair, and relationships between managers and student tenants. It also should 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 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.

iii) This Code has been designed having 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 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 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 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 HE and FE sectors 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.

vi) It is intended to serve also as the approved code 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 National Assembly for Wales) may “except” from the definition of an HMO, for the purposes of licensing, accommodation managed or controlled by higher or further education establishments¹ 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 provides² 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. The method will be subject to an early review.

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

¹ Under section 254(5) and Schedule 14, paragraph 4.

² Section 233

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 had to changes in regulatory requirements, and to developing requirements and standards within the HE and FE sectors.

Scope

xii) Higher (and further) education establishments 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 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.

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 ODPM consultation paper states, codes are not intended to set new or higher physical standards than those in that legislation “other than for aspirational purposes”.³

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

³ See ODPM Consultation paper (November 2004): *Licensing in the Private Rented Sector* p.47

emergencies and that managers must be allowed reasonable access to the premises.

xvi) 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.

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 new approach to assessing housing conditions (the Housing, Health and Safety Rating System, HHSRS) applies to all housing – including local authority housing⁴.

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.

xxi) It is the intention that, in principle, this Code should apply to all the student housing managed and controlled by a higher education establishment. However some of the provisions of the Code will not be applicable to certain small off-street individual properties leased by HEEs 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 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.

⁴ See the Housing Health and Safety Rating System (England) Regulations 2005 S.I. 2005 No. 3208

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. As noted in paragraph iii) of 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. 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.

1.3 HEEs should ensure that student representatives are fully involved in review, complaints and other procedures integral to the administration of this 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 or local authority as appropriate.

Specifically:

- Fire alarm systems should be tested weekly at pre-arranged times (but see paragraph xxi) 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 or local authority as appropriate. 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 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.

2.16 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 labelling as unsafe, an instruction to remove, or in extreme cases, for example if there is a risk of fire or electrocution, removal to safe keeping or disabling. In such circumstances HEIs should inform the students concerned.

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 and statutory public health 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 or equivalent.

2.26 All ground and first floor windows must be securable by the student. In any event windows should not present a safety hazard and, 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 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 Where provided, 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 students should have the means to lock and secure this so as to prevent pilfering.

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 external ventilation and an entrance door fitted making it a self contained unit.

Furnishing quality

2.34 Décor and furnishings 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 (See paragraph 5.2).

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 Arrangements for mail should be set out in the students' welcome pack or similar induction material. Personal items of mail should be received on site and there should be facilities 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. (See paragraph 5.2)

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

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, as appropriate, 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 should be encouraged to be mindful of the proximity of neighbours both within properties and in the wider community.

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
- **Service level statements (SLSs)** or equivalent: should set out such matters as cleaning schedules and response times for dealing with building defects. **Student welcome packs**, or similar induction material, may contain outline information on SLSs but in any event should specify where the details can be accessed by students (e.g. on a website).
- **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 within which there should be provision for student representation. Students should be made aware that they may, if necessary, refer complaints to external bodies including the Office of the Independent Adjudicator and the UUK Code Management Committee – see Section 8 and Annex 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 management 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 and/or issue a welcome pack or other induction literature at the beginning of occupation. This should 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) 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, student representatives 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, or similar, 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 counselling related, in particular, to their accommodation - with reference, as appropriate, to the student union.

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 behaviour⁵ by tenants or their visitors. Where necessary, a response strategy should be prepared in liaison with the police and other agencies.

Conduct

7.2 Students should be encouraged to 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 be encouraged to 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 of, and compliance with, the Code

8.1 HEEs are long established, self-managing organizations. Independent governing bodies oversee their management. All establishments are subject to regular, independent, internal audit on which reports are made to governing bodies. In addition it is a requirement that establishments' independent external auditors review all aspects of their management. Findings on the quality of management are included in an HEE's annual report.

8.2 HEEs have well-established internal mechanisms for dealing with complaints from students on accommodation issues. Students may have recourse to certain external complaints procedures.

8.3 Given the existing framework of HEE management, establishments will be the primarily accountable bodies for the operation of the Code. In addition there is a need for a coordinating body and a body to oversee its operation and deal with issues concerning compliance or non-compliance with the Code. The functions of **the coordinating body (Universities UK/SCOP)** will include updating the code and drawing together establishments' reports, stakeholder feedback and other forms of monitoring. All establishments signed up to this

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

Code are required to instruct their internal auditors to review an establishment's operation of this Code as part of their annual work. The UUK Code Managing 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. Any such a decision would be made public. Annex D to this Code outlines the audit and compliance process.

8.4 Universities UK/SCOP 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

8.5 An independent standing committee, **the UUK/SCOP Code Managing Committee**, will have representation from relevant stakeholder groups including: university and college senior management; the Association of Colleges (AoC); specialist professions in the HE and FE sectors; the NUS; ODPM; ANUK; and local authorities. The Committee 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 HEEs' 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 (see Annex C).
- The relevant section of auditors' reports, management's response and the timescale for addressing auditors' recommendations.

8.6 In addition the Committee will seek reports from institutions on any complaints involving breaches of the code that have been reported directly to them or to external bodies.

8.7 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.

8.8 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 and 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. 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.
- Establishments are required to 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. The relevant section of auditors' reports, management's response and the timescale for addressing auditors' recommendations should be sent 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 this event some or all of an establishment'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 HEE, by another *provider*. A method has been developed for the ANUK Code of Standards for Larger Developments for this purpose and the UUK/SCOP Code adopts that method. As noted in the Code itself (paragraph ix) this is subject to review.

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 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. 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 seven 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 hours 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.

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 a “provider” the building is deemed to be managed and controlled by the HEE/FEE.

"Head leased" properties

Notwithstanding this calculation "head leased" properties shall not be considered "managed and controlled" by the HEE, and will therefore not be considered as being exempt from licensing. "Head leased" is defined as a small off-street property converted to accommodate 10 or fewer tenants and leased for not more than 3 years by the institution from a private provider.

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 ODPM are incorporated directly. The Annex 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.

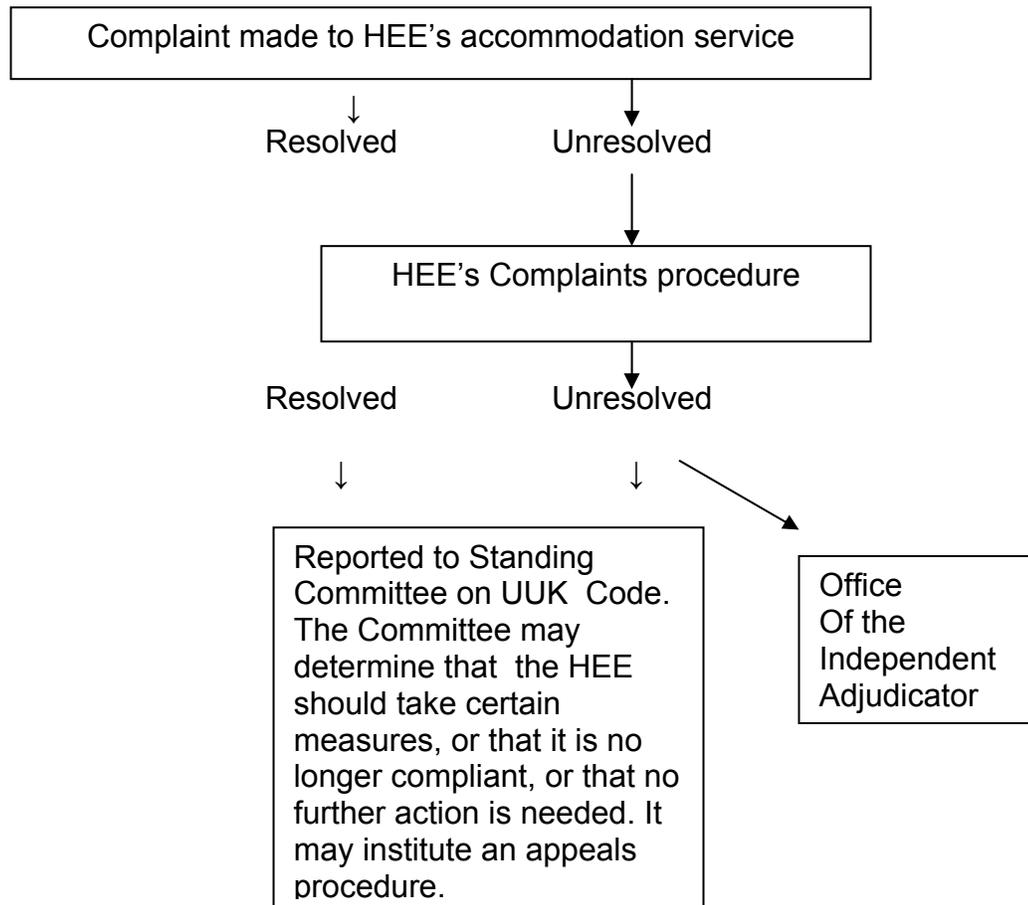
5. Authorities are advised to take account of the vulnerability of the *actual* (rather than potential) occupant in deciding the best course of action.

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 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 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).

Annex C Complaints procedure

Annex D Audit and compliance process

Within the higher education establishment

1. Auditors include the establishment's management of its student accommodation, in relation to this Code, within the scope of their audit.
2. Audit report on management of accommodation is reviewed by the 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/SCOP Code Management Committee

4. 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
5. Examines cases of non-compliance identified in auditors' reports
6. Receives information on complaints referred to a senior body within an HEE.
7. Commissions and receives reports on complaints that have been referred directly to the UUK/SCOP Code or to external bodies.

Action by the Committee

8. 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