



# Residential code of conduct

# The code

This residential code of conduct is designed to formalise what we believe is best practice in relationships between landlords or agents and their residential tenants. It can be used by members of the British Property Federation, but is not a requirement.

Landlords and agents who sign up to the code agree to abide by its provisions and commit to the actions set out in the 'Status of the code' section at the end of this leaflet.

The code has a supporting document, the British Property Federation standard assured shorthold tenancy agreement, available at [www.bpfagreements.org.uk](http://www.bpfagreements.org.uk). It is not a requirement of the code that members use the BPF standard agreement, but we strongly encourage its use, or the use of other plain English agreements wherever possible.

## 1. Establishing the tenancy

Landlords or agents who have signed up to the code will ensure that they:

- a. abide by all equal opportunities legislation in their allocation of the property
- b. provide marketing material which in no way misrepresents the property or facilities provided
- c. notify prospective tenants of any fees they will incur in establishing the tenancy
- d. provide a draft copy of the tenancy agreement prior to signature, if the prospective tenants request it
- e. provide a final signed copy of the tenancy agreement to the tenants as soon as possible after signature
- f. inform prospective tenants of their procedures for taking an inventory of the property (where applicable) and provide them with an up to date inventory
- g. protect any tenancy deposit in accordance with current legislation.

## **2. On commencement of the tenancy**

The landlord or agent will provide:

- a. full contact details with name, address, telephone number and email address of the person to whom queries can be addressed and their hours of availability
- b. a written guide to their policy on dealing with antisocial tenants.

## **3. Service standards – contact**

Landlords and their agents are encouraged to respond to service requests as quickly as reasonably possible. As a minimum landlords and agents will:

- a. acknowledge all letters and emails that require a response within seven days and deal with them substantively within that period if possible; if a substantive response requires further time, the acknowledgement letter should state by when a full reply will be sent and, unless there are special circumstances, the date given should not be more than a further 21 days
- b. ensure all correspondence is signed by a named member of staff
- c. aim to ensure that all telephone enquiries are dealt with immediately, but when that is not possible, arrange a follow up call at a mutually agreed time.

## **4. Service standards – repairs**

Landlords or agents will:

- a. ensure that any repairs as described below are attended to within the following time periods:
  - i. emergency repairs – 24 hours: these are defined as those likely to cause a risk to the health or safety of residents, or serious damage to the building or its contents; the work may include making temporary repairs in the first instance

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- ii. urgent repairs – seven days: these are defined as any repairs that materially affect the comfort or convenience of the residents
- b. maintain the structure and exterior of the relevant property, where they are in a position to do so.

## 5. Service standards – rent and benefits

Landlords and agents will ensure that:

- a. tenants are provided with a written statement of account within seven days of request, showing all payments due and made during the period requested
- b. requests for assistance (either from the tenant or agents or organisations acting for the tenant) with processing a housing benefit application are dealt with as quickly as possible, as a minimum meeting the contact standards set out in section 3.

## 6. Service standards – staff and contractors

Landlords and agents commit to:

- a. where reasonably practicable, appointing third parties to act in respect of the property who are suitably qualified through a recognised institution and who adhere to best practice for their relevant activity; to have a written agreement with all third parties prior to their employment and, where appropriate, obtain copies of relevant qualification/insurance information
- b. ensure their contractors leave the premises in a tidy state after works, take all necessary steps to protect the occupier's property from damage, and behave in a professional and courteous manner at all times
- c. ensure that they and their staff are familiar with all relevant legislation and best practice requirements.

## 7. Standard of accommodation

Landlords and agents will:

- a. provide and/or manage accommodation in a manner that is compliant with all relevant legislation; though not an exhaustive list this will include:
  - health and safety
  - gas and electrical safety
  - fire safety, including supplied furniture and furnishings
  - local management regulations and standards where a house is in multiple occupation
  - licensing, where required
- b. ensure the property is fitted with British Standard conforming locks
- c. ensure that the tenant is aware of who is responsible for the upkeep of the communal areas, for example the external environment, such as gardens.

## 8. General standards

Landlords and agents will:

- a. comply with all relevant legislation relating to housing, discrimination, data protection, harassment and protection from eviction
- b. not undertake any activity that involves dishonesty
- c. hold an appropriate public liability policy that affords protection to all relevant persons.

## 9. At the end of the tenancy

Landlords and agents will:

- a. have a clear written policy on standards of cleaning and checkout procedures and

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- notify the tenant of these at least 14 days before the tenancy comes to an end
- b. return or retain any deposit in accordance with the tenancy deposit protection scheme rules under which it is covered
- c. provide details of any deposit retained and explain what the deductions are for
- d. provide references for a tenant or former tenant for the purposes of securing a new tenancy on receipt of a written request, and not refuse without good cause.

## 10. Awareness of the code

Landlords and agents will ensure that all prospective tenants are made aware of their membership of this code and that existing tenants are reminded of this at least once a year.

The British Property Federation reserves the right to amend or add to the provisions of the code, after consultation with its members, as it thinks fit. Any amendments will be notified to BPF members and posted on its website: [www.bpf.org.uk](http://www.bpf.org.uk).

## Status of the code

Adoption of this code by British Property Federation members is voluntary.

By agreeing to abide by the code, a landlord or agent is making a number of serious commitments to:

1. inform occupiers and prospective occupiers that they follow the code
2. follow the full content of the code

3. have a written complaints procedure, which is easily accessed by occupiers and prospective occupiers
4. provide for independent scrutiny of complaints where these remain unresolved after the use of their complaints procedure
5. expose themselves to possible exclusion from the BPF, where independent scrutiny shows that a breach of the code has occurred, and such a sanction is deemed necessary by the BPF board.

# How complaints can be made and will be handled

## Stage 1

BPF members who have signed up for the code must have a written procedure for dealing with complaints that is easily accessible and must be provided on request. It must explain how and by whom a complaint will be considered, and how long it will take. This should be a period of not more than seven days to acknowledge and a further 21 days to consider, making 28 days in total. In exceptional circumstances, where for example technical input is required, a member should send a prompt reply indicating how long the final response will take.

Members' complaint procedures should also include contact details of the independent complaints scheme they are using – see stage 2 below.

A tenant wishing to make a complaint should first contact the member concerned. The complaint should be made in writing, and include the name, contact details and, where appropriate, the position of the person making the complaint. An email will satisfy the requirement to make the complaint in writing.

## Stage 2

A landlord or agent's complaint procedure must provide for independent scrutiny of complaints if the tenant remains unsatisfied with the response/outcome from pursuing the landlord or agent's complaints procedure. This can be provided by one of the following organisations/schemes:

- the Housing Ombudsman Service
- the Surveyors' Ombudsman Service (note: RICS firms do not need to make a formal application to join the SOS; however, firms that wish to use the SOS will need to

indicate this in their RICS registration form and subsequent annual return).

The British Property Federation can add or remove suitable schemes from this list, after giving notice.

Tenants should check which ombudsman scheme the landlord or agent is using. This should be apparent from the landlord or agent's complaints procedure. If not, please contact the British Property Federation, who will provide details.

The tenant should pursue the complaint in accordance with each scheme's guidance. A copy of the complaint should also be lodged with the British Property Federation, St Albans House 5th Floor, 57-59 Haymarket London, SW1Y 4QX, email: [info@bpf.org.uk](mailto:info@bpf.org.uk).

It is the responsibility of landlords and agents observing the code to ensure their membership of an approved independent complaints handling scheme. Failure to be a member of an approved independent complaints handling scheme would be deemed to be in serious breach of the code.

### **Stage 3**

If the tenant's complaint is upheld at stage 2, the British Property Federation reserves the right to take disciplinary action against landlords or agents for breach of the code, which in serious circumstances could lead to exclusion from membership.

In such circumstances, the BPF will write to the member landlord/agent concerned advising them that the Federation's board is minded to exclude them from membership.

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# How complaints can be made and will be handled continued

The member will be offered the opportunity to make written representations within 28 days as to why the BPF board's decision should not be confirmed.

At the next available board meeting, the BPF board will confirm whether the member landlord/agent will be excluded from membership.

The Federation will contact the member concerned informing them of the board's decision.



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