

Scope of the Consultation

This consultation seeks views on proposed changes to the Unipol/ANUK National Codes for purpose built accommodation operated by non-educational operators.

The National Codes for purpose built student accommodation operated by non-educational operators is a voluntary accreditation scheme, which sets standards for health and safety, management and tenant wellbeing provision. The scheme for private providers (accommodation not provided by universities and colleges) is now up for review, and a number of changes have been suggested.

This consultation seeks views on the updated Code standards. We welcome views and evidence from all interested stakeholders including students, Code members and other interested parties.

The Consultation covers the following areas:

- Equality and diversity
- Fire safety
- The late opening of New/refurbished buildings
- Handling disputes and complaints
- Other assorted membership requirements

Geographical scope

The National Codes is open to members in England, Wales, Scotland and Northern Ireland.

Who is responsible for the Codes?

The Codes are owned by a consortium made up of the Accreditation Network UK, Unipol Student Homes and the National Union of Students. The Codes are administered by Unipol Student Homes, a national student housing charity, who are also administering this consultation.

Duration

This consultation will last for 6 weeks and closes on Monday 16th August at 5pm.

Enquiries

For any enquiries about the consultation, please contact Simon Kemp, National Codes Administrator on s.kemp@unipol.org.uk

How to respond

There are 2 methods of response to this consultation.

1) Please email any comments you have on the proposed changes directly to Simon Kemp, National Codes Administrator s.kemp@unipol.org.uk.

2) You can complete the online consultation survey here:

<https://leeds.onlinesurveys.ac.uk/review-of-the-national-code-for-non-educational-establishm-2>

When you reply, it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number

Introduction and Background

The Unipol/ANUK National Codes for Purpose Built Student Accommodation (PBSA) are Approved Codes under the Housing Act 2004, Part II. There are two Codes, one for educational institutions and another for accommodation provided by Non-educational providers. The Code for non-educational providers is the subject of this consultation.

The Unipol/ANUK Codes have 156 members, operating 378,957 PBSA beds in 2,167 buildings across the UK, out of a total of 681,000 beds, so 55 percent of the sector. The PBSA sector houses primarily 'new to the city students', so first years and international student, although short-term vacation lets are operated by some providers. The majority of tenancies are relatively short at around 12 months.

The National Codes were established in order to provide a common set of benchmark standards for purpose built student accommodation (including buildings with 15 or more residents), covering health and safety, management and tenancy issues. The Codes include annual verification of members, to a sample of properties, undertaken by a panel of expert consultants overseen by an independently chaired Audit Panel. If enacted, this requirement would be included in the National Codes, with compliance audited as part of the verification process.

The Codes are periodically reviewed to make sure they reflect changes to legislation, best practice and student needs, whilst still being operationally deliverable by members.

A review panel consisting of members of the scheme, Unipol and NUS met to consider and review the National Code for non-educational providers, and suggested the changes, which are the subject of this consultation. The suggested amendments have been reached in order to:

- Provide better compensation to tenants who are affected by late running buildings, which usually occurs in September and October, a significant and important part of the academic year, particularly for new students.
- Ensure students with ambulatory disability have access to low-cost accommodation, as they often have much higher day to day living costs
- Add to health and safety provisions after **the tragic fire at Grenfell Tower**
- **Improve a number of provisions in the Code as well as operational issues**

To Comment on - A Summary of the Main Changes to the Code for Non-Educational Providers

The suggested changes to the Code are included below. Please respond and tell us whether you:

- Agree with the proposed changes
- Disagree with the proposed changes
- Have any comments or suggestions about the proposed changes
- Any other comments you wish to make

Changes to Section 1 - General requirements

- At the point of a change of operational management from one Member to another, relevant documentation relating to the essential day-to-day operations of the building will be transferred. If, for whatever reason this is not possible, the Member will devise the necessary procedures and policies;
- In respect of changes of operational management, members shall notify the occupants of the building within five days of the transfer being agreed, and shall include in this notification information on any implications for the occupants.
- Members respond to any enquiry from the National Codes Administrator or their nominee within 5 days.

An updated Section 2 - Equality and Diversity

- In allocating accommodation, Members will use procedures that fully comply with the [Equality Act 2010](#).
- In accordance with the protected characteristics set out in the Equality Act, Members will not treat any applicant or group of applicants for accommodation less favourably than any other applicant or group of applicants. As part of their commitment to supporting disabled students, Members shall not levy charges for rooms adapted for use by any disabled students which exceed the normal room rate for that development.
- In accordance with the duty established in Part 2, Chapter 2 of the Equality Act, Members will make adjustments to meet the needs of disabled students, where needs identified through an appropriate assessment process are reasonable, as defined in the Act.
- Charges for rooms that have been designed and significantly adapted for students with mobility/physical impairment should not exceed the lowest room rate available in the Member's portfolio within the relevant local authority area.
- Members shall complete any adaptations for disabled students within a reasonable timescale of them being requested.
- Where communal toilet facilities are publicly available within a development, Members should make some level of gender-neutral provision.

New enhanced Provisions Where New/Refurbished Buildings Open Late (Section 5)

- Where it is not possible to provide the alternative room in line with 3.15 above, the Member shall endeavour to source this provision through other suppliers within: the same local housing authority area; or a 20-minute walk of the student's main study location. Where this is not possible, the Member should contact the NCA immediately for further advice.

- Where rooms are not ready for occupation, the Member will make sure occupants are not disadvantaged. As a minimum: the Member will give the affected students seven days to decide whether they want to leave the contract; they will not impose any financial penalty for cancellation on students who do decide to opt out;
- If a student is unable, 10 weeks after the beginning of the academic year, to occupy the room that they booked, the Member will not charge them rent and will give them the option to leave the occupancy agreement with no financial penalty for cancellation.
- From 1 September 2022, Members will make the following payments per student in the circumstances described below: £200 for each week within the first four weeks that a room is late (applicable even if the student leaves the contract); £500 for each subsequent month (or part of month) that a room is late after that; and £100 each time a notified moving-in date is postponed;

Changes to requirements in respect of HMO Licensing (Section 4 – During the Tenancy)

- Members must be able to demonstrate that they have satisfied themselves whether or not any form of local authority property licensing applies to any developments that they are operating.

Additions to the Fire Safety Requirements (Section 7 – Health and Safety)

- Members will have fire risk assessments (FRAs) reviewed annually by a competent person, as defined by the Fire Risk Assessment Competency Council, and will provide the NCA with a copy of the FRA within five days of them requesting one. Members will also provide the NCA with electronic copies of FRAs for all high-risk buildings (18 metres and above) as well as for buildings which are subject to verification visits.
- Members will ensure that Type 3 FRAs are undertaken when the development is first occupied, and are then reviewed annually. A replacement Type 3 FRA must be prepared when considered necessary by the assessor, for example following a change of operational management or where substantial alterations are made to the building fabric or existing alarm systems.
- Members will: notify the NCA of any building of theirs which contains ACM (aluminium composite material) cladding; make a declaration on the percentage of the building that is ACM-clad; and provide the NCA each year with the FRA, which will reference the arrangements made in respect of the cladding.

Disputes and Complaints Additions

- Members provide occupants with a way(s) to raise matters of concern in confidence;
- Where an occupant's parent makes a complaint, for the Codes Complaints Investigator to recognise the legitimacy of their role, the occupant will have to confirm in writing that this parent is their nominated representative.
- Where a complaint cannot be resolved through the Member's own system, or the Complaints Investigator needs to contact them, the Member will give the Investigator a named contact for communication purposes in connection with the investigation of the complaint. The Member will supply a named contact within 48 hours of receiving the request.
- The Member will accept and, within set timescales, comply with any directives given to them by the [National Codes Audit Panel](#), which oversees the operation of the Code's assessment and verification system.

Additional Documents

You can view a copy of the existing Code document here:

<https://www.nationalcode.org/Handlers/Download.ashx?IDMF=fe180624-6452-4136-9a9e-9cb181b35474>

You can view a copy of the proposed new Code document here (Please note that the new Code has been edited to be more user friendly, and therefore some of wording, numbering and section headings have changed:

<https://www.nationalcode.org/Handlers/Download.ashx?IDMF=e5750a75-5f0d-45df-9b8a-e6b58c344c83>

About this consultation

This consultation document and consultation process has been designed as part of the process for the National Code for non-education providers being re-approved by the Government under the Housing Act 2004.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published and will be shared with the Ministry of Housing, Communities and Local Government (MHCLG)

If you want the information that you provide to be treated as confidential, please be aware that this information will be shared with MHCLG, and as a public authority, they are bound by information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

Unipol will process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Details of Unipol Student Homes Data Protection Policy can be found here:

<https://www.unipol.org.uk/getattachment/Footer/Governance/Corporate-Documents-Unipol-Board/Data-Protection-Policy-2014/Data-Protection-and-Information-Security-Policy-2020.pdf.aspx>

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.