

Tribunal Procedures for the ANUK/Unipol National Codes of Standards - General Notes for Guidance

Signing the Code of Standards

1. Adoption of the ANUK/Unipol codes by a provider is **voluntary**. However, signatories to the code who fail to comply with its provisions will risk this fact being made known to prospective tenants. Signatories who repeatedly breach the terms of the code will find that this fact will be formally displayed to prospective tenants (This may include publication).
2. Details of any complaints that are sustained by the Tribunal Panel will be available for public view on the ANUK web site. Results from the self-assessment and verification process which identify significant non-compliance will also be placed in the public domain, as will details of inspection visits.
3. A fee will be charged for registration to either of the Codes. Once payment has been received the developments listed on the Schedule of Properties will be advertised as complying with the Code of Standards.
4. Although it is expected that all relevant developments belonging to a provider who joins either Code will comply with the relevant Code, providers have until 2008 to ensure that this is so.
5. The Code first came into operation in October 2004.

Complaints

6. Any complaints that a provider is in breach of one or more section of the Codes should, in the first instance, be raised directly with the provider concerned. If tenants (or their representative) do not know to whom the complaint should be addressed then they should contact the National Code Administrator.
7. If the complaint is not resolvable following the above, tenants (or their representative) can issue a formal complaint under the National Codes complaints procedure. Such complaints shall be made in writing (or via email) to The National Code Administrator, Unipol Student Homes (Please see additional leaflet - 'Complaints Procedure for Students').
8. Once a complaint is received the owner of the property will be written to, informing them of the complaint and giving them 14 working days in which to respond.
9. Generally, it is hoped that reporting a complaint about a property of an owner who has signed the Code voluntarily will result in that owner taking any necessary remedial action immediately.
10. The National Code Administrator, or their representative, may visit the property if the owner and person/s making the complaint cannot agree as to whether a breach of the Code has occurred. In these cases whoever makes the inspection will prepare a report on what they found and this will be made available to the Chair and members of the Tribunal.
11. Once the information relating to the complaint from the owner is received, it will be sent to the person/s making the complaint. If the owner/agent and person/s making the complaint cannot agree or resolve the complaint at this stage the National Code Administrator will pass the information to the Chair of the Tribunal. The Chair, in consultation with the two Vice Chairs, will have two options once s/he has received a complaint
 - to deal with the matter themselves (either directly or using a nominee)
 - to refer the matter to the full Tribunal for a decision.

12. Although any of these bodies may review an earlier decision in the light of additional information there is no appeal system.
13. The full Tribunal is designed to be the final resort in a serious dispute. The Tribunal will be expensive to administer and should sit infrequently.
14. The Tribunal Chair and two Vice Chairs will be appointed for a period of three years by the Committee of Management.
15. If the Chair decides that the complaint is not sufficiently serious to warrant a full Tribunal then s/he can decide to take Chair's action themselves. In doing so the Chair will follow this procedure:
 - a) The Chair will give a brief summary of the issues s/he considers form the basis of the complaint to be resolved, together with their decision on how to proceed, within 14 days of the matter being referred to them. The ruling will then be sent to both Vice Chairs.
 - b) If any dissent is registered by either of the Vice Chairs within seven days of receiving the ruling then the Chair will initiate discussions designed to reach agreement on a course of action. If agreement is reached, without dissent, then the ruling, as agreed, will be determined. If agreement is not possible then the case will proceed to a full Tribunal.

Specialist Arrangements

16. In situations where complaints are made under the Codes against providers who are members of the Committee of Management, the initial investigation of the complaint will be conducted by the Chair of the CoM. If the complaint is subsequently referred to the Chair of the Complaints Tribunal, and they decide that it should be subject to a hearing of the Full Tribunal, then no representative from the provider concerned will be eligible for membership of the Tribunal Panel dealing with that particular hearing.

The Full Tribunal

17. The **Full Tribunal** will consist of a maximum of twelve members:
 - The Chair of the Tribunal (or her/his nominee)
 - Two Vice Chairs – one nominated by the providers and one nominated by NUS
 - A representative from each of the three members of the consortium
 - Three representatives from the Owner Community (selected by the Committee of Management)
 - One person nominated by the appropriate local authority's environmental health department
 - One person nominated by the appropriate local student union
 - One person nominated by the appropriate educational institution (but only in situations where the development is a joint venture between a private supplier and an HEI)
 Where no nomination has been received within the timescales laid down then the Tribunal shall be properly constituted without that member.
18. At least one member present must be a student and the quorum shall be seven.
19. Owners and tenants involved in the case before the Tribunal will be invited to attend. Should problems arise from both the complainant and the respondent attending the same meeting, where possible, every effort will be made to allow each a separate hearing before the Tribunal panel.
20. No legal representatives are allowed at the Tribunal representing either owner or tenant. Lay people can accompany or represent either party.

21. Tribunal hearings should be heard within three months of the Tribunal procedure being triggered, but preferably no longer than one month afterwards. If either the owner or the complainant cannot attend within three months then the hearing will take place in the absence of that party.

Penalties

22. The Tribunal will be able to make recommendations to all statutory bodies, educational institutions and all other appropriate parties. In the event that a complaint from a student was malicious a recommendation from the Tribunal to the institution in respect of its disciplinary procedures would be likely.
23. The Tribunal can also recommend the following:
- A warning letter be written
 - Suspension from the National Code of Standards (for a specified period of time) of an owner's entire portfolio or individual developments
 - Publish failure to meet standards set within Code
 - Revoking certificate
 - Expulsion from the National Code of Standards
 - A further compliance check
24. The Tribunal is not empowered to make any monetary awards
25. Any decision of the Tribunal will be confirmed in writing
26. The decision of the Tribunal is final

Selection of Tribunal Members

27. Any member of the Tribunal panel with a potential conflict of interest in a case before the panel should declare it to the Tribunal before the case is heard. The Tribunal, with the Chair having a casting vote in the event of a tie, shall decide whether that member should take part in that appeal hearing or not.
28. Selection of Consortium Representatives - shall be by arrangement with the Consortium
29. Selection of Owner Representatives – shall be selected from owners who are represented on the Committee of Management and appointed by the CoM
30. Selection of Local Authority Representatives – shall be by the appropriate local authority's Environmental Health department.
31. Selection of Student Union Representative – shall be by the appropriate local student union.
32. Selection of Educational Institution Representative – shall be by the appropriate educational institution.

Tribunal Procedure - At the Tribunal

This procedure is provided in confidence to those attending meetings for guidance and assistance.

1. The Tribunal will be called and members of the Tribunal confirmed as attending
2. Unipol Student Homes shall service the Tribunal (except in the event of them being the recipient of a complaint) and nominated staff shall be allowed to be present
3. No observers or other parties shall be present, except with the permission of the Chair.
4. All members present will be reminded to turn off any mobile phones, pagers etc.
5. Members of the Tribunal will be identified to the parties at the commencement of proceedings
6. The parties to the complaint and the signatories will be identified at the commencement of that agenda item.
7. Details of the complaint shall be circulated to all Tribunal members who have confirmed their attendance not less than three working days before the meeting.
8. Additional paper work made available after that time may be tabled at the meeting only with the consent of the Tribunal
9. The Chair, or his/her nominee, shall provide a summary of the complaint and of subsequent action, setting out the issues which are before the Tribunal for its determination. This summary is not open to challenge and the Tribunal will be limited to determining these issues.
10. The Tribunal is in charge of its own procedure and the Chair can use his/her discretion to depart from the procedures set out below in a given case where he/she considers it fair or appropriate. The decision of the Chair, after consultation, is final. The normal procedure will be for the Chair to invite the complainant to put their case first, giving the owner/manager the opportunity to ask genuine and relevant questions at the end of this, followed by any questions from the Tribunal. The procedures will then be reversed, giving the owner/manager the opportunity to put their case, and the complainant to ask genuine and relevant questions, followed by any questions from the Tribunal. Each party will be given the opportunity to summarise their case briefly, normally finishing with the complainant. The Chair may impose a time-frame on this procedure. Only the parties to the complaint may address the Tribunal.
11. If there are a number of complaints being considered then the Tribunal shall undertake its deliberations in confidence at the end of the Agenda. If there is one complaint then the Tribunal shall undertake its deliberations at the end of that hearing.
12. The Tribunal shall issue in not more than three working days its decision on the complaint. Such a decision can include, but is not limited to:
 - i) A request for further information
 - ii) a rejection of the complaint
 - iii) a recommendation to other parties
13. Every effort shall be made by the Tribunal to reach consensus on its decisions but in the event of a variety of views being expressed then a simple majority shall decide the matter. The majority decision shall then be the view of the tribunal as a whole and no record shall be kept of any voting that took place nor any report made of that vote.
14. The decision shall be in writing and made public.

Complaints Procedure for Students

All complaints made under the Code must be received either from a tenant of the property concerned, an ex-tenant of that property or a representative from either. If the representative is a parent or relative of a tenant or ex-tenant, then written authority from the tenant themselves must be attached to the complaint, authorising the complaint on their behalf.

Complaints must be in writing and addressed to:

The National Code Administrator (NCA)
c/o Unipol Student Homes
155-157 Woodhouse Lane
Leeds LS2 3ED

Further details about the complaints procedure are available on the ANUK website
www.anuk.org.uk

The complaints must state clearly:

- i) name and contact details of the person/s making the complaint**
- ii) when the provider was informed of the alleged breach and what steps, if any, were taken to resolve it by the provider**
- iii) the sections of the Code/s which they believe the provider to be in breach of at the stage this complaint is being made**

Upon receiving the complaint the NCA will acknowledge the correspondence and check that it fulfils the above criteria and then acknowledge receipt of the complaint.

Once a complaint is received the owner of the property will be written to, informing them of the complaint and giving them **14** working days in which to respond.

Generally, it is hoped that reporting a complaint about a property of an owner who has signed the Code voluntarily will result in that owner taking any necessary remedial action immediately.

Tenants will be sent details of the owner's response to the complaint. In the event that the matter cannot be resolved at this time then details of the complaint will be sent to the Chair (or their nominee) of the Complaints Tribunal who, in consultation with the two Vice Chairs, will determine one of two courses of action:

- i) to deal with the matter themselves**
- ii) to refer the matter to the full Tribunal for a decision.**

Wherever possible the complaint will be dealt with by Chair's action. In the event of a serious complaint then the Chair, in consultation with the two vice Chair's, will either rule on the complaint or refer the matter to a hearing of the full Tribunal. In the event of a very serious

complaint (normally with serious health and safety implications) then the full Tribunal will be used.

If there is a Tribunal hearing then this should be held in the relevant town/city that the development is situated in. Complainants (and/or their representative) will be asked if they wish to attend a hearing and would normally be expected to do so. However, where this is not practicable, complainants may submit written evidence.

In the event that the matter is to be dealt with by a Tribunal then complainants will be sent further details of the procedures under which the Tribunal operates.

Where there is some resistance to accept the problem, Chair's action will often result in a satisfactory conclusion.

The Tribunal is intended to remedy serious complaints and disputes.

Details of the constituencies within the Tribunals are given below.

The Tribunal Chair will be appointed by the Committee of Management to serve for three years

The Full Tribunal

The **Full Tribunal** will consist of a maximum of twelve members:

- ⇒ The Chair of the Tribunal (or his/her nominee)
- ⇒ Two Vice Chairs –one nominated by providers and one nominated by NUS
- ⇒ A representative from each of the three members of the consortium – ANUK, NUS and Unipol
- ⇒ Three representatives from the Owner Community (selected by the Committee of Management)
- ⇒ One person nominated by the appropriate local authority's environmental health department
- ⇒ One person nominated by the appropriate local student union
- ⇒ One person nominated by the appropriate educational institution (but only in situations where the development is a joint venture between a private supplier and an HEI)

Owners and tenants involved in the case before the Tribunal will be invited to attend.

No legal representatives are allowed at the Tribunal representing either owner or tenant. Lay people can accompany or represent either party with the express agreement of the parties involved.

Tribunal hearings should be heard within three months of the Tribunal procedure being triggered, although preferably within one month. If either the owner or the complainant cannot attend within three months then the hearing will take place in the absence of that party.

The Tribunal is not empowered to make any monetary awards.

NATIONAL CODES OF STANDARDS COMPLAINT FORM

All complaints made under the National Codes must be received either from a tenant of a development covered by either Code, an ex-tenant of such a property, or a representative who is acting on their behalf. If the representative is a parent or relative of the tenant or ex-tenant, then they must be able to show that they have written authorisation to act on their behalf.

All complaints should be in writing and addressed to: The National Code Administrator, C/O Unipol Student Homes, 155-157 Woodhouse Lane, Leeds LS2 3ED Or on line at www.anuk.org.uk

The complaint must clearly state:

- i) name and contact details of the person/s making the complaint
- ii) when the provider was informed of the alleged breach and what steps, if any, were taken to resolve it by the provider
- iii) the sections of the Code/s which they believe the provider to be in breach of at the stage this complaint is being made

Upon receiving the complaint the National Code Administrator will check that it fulfils the above criteria and then acknowledge receipt of the complaint.

Once a complaint is received the owner of the property will be written to, informing them of the complaint and giving them **14** working days in which to respond.

Generally, it is hoped that reporting a complaint about a property of an owner who has signed the Code voluntarily will result in that owner taking any necessary remedial action immediately.

Tenants will be sent details of the owner's response to the complaint. In the event that the matter cannot be resolved at this time then details of the complaint will be sent to the Chair (or their nominee) of the Complaints Tribunal who, in consultation with the two Vice Chairs, will determine one of two courses of action:

- iii) to deal with the matter themselves**
- iv) to refer the matter to the full tribunal for a decision.**

Wherever possible the complaint will be dealt with by Chair's action. In the event of a serious complaint then the Chair, in consultation with the two vice Chair's, will either rule on the complaint or refer the matter to a hearing of the full tribunal. In the event of a very serious complaint (normally with serious health and safety implications) then the full tribunal will be used.

CODE OF STANDARDS COMPLAINTS FORM

Please read the complaints procedure before completing this form

Personal Details

Name -----

Current Address -----

Telephone Numbers -----

Email -----

Place of Study -----

Are you a Tenant / Former Tenant (please specify)

Property Details Relating to the Complaint

Name and Address of Development -----

Name of Accommodation Provider -----

Date Tenancy Began ---/---/-----

Date Tenancy Ended ---/---/-----

Date of this complaint -----

Signature/s -----

Code Breaches

- 1) Please tick which National Code sub heading/s you believe to have been breached.
(NB – You may need to refer to the National Code of Standards to complete this section)

Code Sub Heading	✓
1. Equal Opportunities	
2. Marketing Prior to Letting	
3. During the Tenancy	
4. Health and Safety	
5. Deposits	
6. Management of Disputes	
7. Responding to Complaints	

- 2) Please list the number/s of the clause/s within the sub heading/s that you believe have been breached and provide a brief explanation of how the provider has breached the Code e.g. If tenants were not provided with information about how to report repair/maintenance issues, then you would write 3.05 and state that this was not given by the provider.

(continue on a separate sheet if necessary)

- 3) Additional Information to Support your Complaint. To enable the National Code Administrator to pursue your complaint it may be necessary for you to supply additional information. Please include the following:
- *Steps taken to bring breach/s to the attention of the provider (including copies of letters);*
 - *Relevant timescales (e.g. how long you have been waiting for repairs to be carried out);*
 - *Supporting evidence (e.g. photographs of disrepair, reports from an environmental health officer)*

