

Code of Practice

Introduction

- 1.1 The NLA Code of Practice (CoP) is designed to raise and maintain standards in the private-rented sector. It sets out the standards of good practice that member landlords are expected to observe in connection with the letting of their residential properties, and it seeks to promote good relations between landlord and tenant by ensuring a good standard of service to tenants.
- 1.2 Members of the NLA, whether they manage their lettings themselves or do so through an agent or any third party, are expected to observe the CoP.
- 1.3 Amendments to the CoP will be made as necessary by the Board of the NLA and notified to members. Should there be any inconsistency between legislation and the CoP, legislation will take precedence.

Creating a Tenancy

- 2.1 The landlord should provide tenants with a written statement of the terms of their occupancy, stating the:
 - 2.1.1 Address of the property being let, and what it is.
 - 2.1.2 Start and end dates of the tenancy period.
 - 2.1.3 Rent terms (frequency and method of payment).
 - 2.1.4 Deposit amounts (and how the deposit will be protected).
 - 2.1.5 Landlord's contact address in the UK for the service of notices.
- 2.2 The landlord will make every effort to assist the tenant with the understanding of their tenancy agreement, referring them if necessary to an independent body for further advice.
- 2.3 The landlord will inform the tenant in writing of any additional charges, utility bills, ground rent or maintenance charges that the tenant will be required to pay during the tenancy, stating where possible the amounts for each and the frequency and method of payment.
- 2.4 The landlord will provide the tenant, at the beginning of the tenancy, with a telephone number or other means of contacting the landlord or their agent in an emergency; in particular when the landlord is absent.
- 2.5 The landlord will give such reasonable assistance as is required by a local authority to enable a tenant to claim housing benefit.
- 2.6 If a tenancy is managed by an agent or other third-party there should be communication between the landlord and the agent regarding the NLA Code of Practice and its recommendations.

Maintaining a Tenancy

- 3.1 NLA members are expected to abide by relevant landlord/tenant law, including racial equality and disability legislation, in the management of their lettings businesses. Where not covered specifically by the CoP, landlord/tenant law will, by implication and by default, be considered part of the CoP. In particular:
- 3.1.1 Tenants will be treated with appropriate courtesy and respect and will not be deliberately misled.
 - 3.1.2 The landlord will act in a fair, honest and reasonable way in all their dealings with the tenant and will not, as far as is reasonable, disclose personal tenant information to other parties without their consent.
 - 3.1.3 The landlord will acknowledge promptly (usually within two working days of receipt) all communications received from the tenant.
 - 3.1.4 The landlord will inform the tenant of any change of manager or landlord contact details.
 - 3.1.5 The landlord will abide by the rules of any tenancy deposit scheme of which s/he is a member and accepts that any breach of relevant scheme rules may result in a review of NLA membership.
 - 3.1.6 All disrepair in the property for which the landlord is responsible will be attended to promptly, with minimum disturbance to the tenant.
 - 3.1.7 Wherever possible urgent repairs will be dealt with within 3 working days and less urgent repairs as soon as practicable.
 - 3.1.8 The landlord will respect the tenant's rights to peaceful and quiet enjoyment of the property and will, emergencies excepted, ensure the tenant is given reasonable notice of at least 24 hours when access to the property is required by the landlord or agent.
 - 3.1.9 The landlord will provide the tenant with accommodation that complies with legal requirements relating to the fitness of accommodation (including, but not limited to, the provision of furniture, gas and electrical supply and appliances and their service/maintenance and repair, provision of rent book for weekly tenancies as appropriate, and local authority occupancy standards).
 - 3.1.10 The landlord will, when requested, provide the tenant with a written statement of their tenancy account within five working days.
 - 3.1.11 Before proceedings are commenced, the tenant will be notified of any breach of the tenancy agreement that is to be used as a basis for legal proceedings against the tenant.

Determination of a Tenancy

- 4.1 Members taking and holding a tenancy deposit, or on whose behalf a letting agent takes and holds a tenancy deposit, will do so in accordance with any legal requirements for the protection of deposits which may be in force at the time. At the end of the tenancy the landlord will return any deposit paid by the tenant promptly in accordance with tenancy deposit protection legislation in effect at the time.
- 4.2 The landlord will not refuse a tenant a reference for the purposes of securing a new tenancy, without good cause.

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Complaints

- 5.1 The objective of the NLA Code of Practice is to promote a professional approach to residential lettings and to improve standards in the sector, not to penalise. If members are found not to have met the standards and expectations of the Code, the NLA will, wherever possible, seek rectification and a commitment from the member to avoid repetition. The NLA will support and encourage members towards improving their practices.
- 5.2 The Code of Practice is an informal and voluntary process, in that the NLA has no power to compel a member to comply. Nevertheless, if a member were to refuse to comply, it would ultimately call into question their membership.
- 5.3 Any complaint about an NLA member should in the first instance be notified to the member directly in writing who should be given sufficient opportunity to resolve the matter.
- 5.4 If this has already been done, and you are not satisfied that it has been dealt with properly, you can make a complaint about an NLA member via the following process:
 - 5.4.1 Complete the form entitled Complaint about an NLA member (this is available in the About Us area of the NLA website).
 - 5.4.2 The form will ask for the name, contact details and where appropriate the position of the complainant.
 - 5.4.3 The form will also ask for confirmation as to which part of the Code of Practice you believe the NLA member has not upheld.
 - 5.4.4 Under a protocol approved by the Board of the NLA, your complaint will be reviewed by a case administrator. The case administrator will ensure that the complaint is relevant, appropriate and presents a possible breach of the Code of Practice. This will include checking that the landlord's NLA membership was in place at the time of the alleged breach of the Code.
- 5.5 If the NLA Board becomes aware of a possible breach of the Code of Practice, it can initiate an investigation without the need for a formal complaint.
- 5.6 If a complaint is considered valid, the NLA will acknowledge receipt of the complaint and advise the complainant that it will be investigated. If the complaint is considered inappropriate, the case administrator will inform the complainant in writing of the reason.
- 5.7 The case administrator will also agree a realistic timeframe with the landlord within which they should respond to the complaint. All parties involved will be advised of the agreed timeframe.
- 5.8 Once the form and landlord's response have been received, the relevant paperwork will be passed over to a case handler who will review the case in consultation with the Director of Operations or the Chief Executive Officer and the Director in charge of complaints on the matter.
- 5.9 By liaising with the case handler, the case administrator will first attempt to resolve the complaint with all parties via mediation between all parties involved in the complaint
- 5.10 If mediation or recommendations to make changes fails, a report will be submitted to the Board of the NLA, which it will consider at its earliest opportunity.

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- 5.11 If the Board accepts a report that the member concerned is not in breach of the CoP, the Director in charge of NLA complaints will write to the member informing them that no further action will be taken.
- 5.12 If the Board of the NLA accepts a report that the member concerned is in breach of the CoP, the Director in charge of complaints will write to the member concerned informing them of the Board's conclusion and the proposed remedy. The remedies may include:
- 5.12.1 Recommending that the landlord completes development within the NLA relating to the nature of the complaint.
 - 5.12.2 Advising the landlord (and/or tenant) in writing of the NLA's recommendation of best practice to adopt in the future relating to the issues raised in the complaint.
 - 5.12.3 All recommendations will be made following consultation with the director in charge of complaints.
- 5.13 If the Board accepts a report that a member has breached the CoP and decides that the breach is of sufficient gravity to warrant exclusion from membership of the NLA, the Director in charge of NLA complaints will write to the member concerned advising them that the Board is 'minded to' exclude them from membership. In this situation, the following procedure will apply:
- 5.13.1 Immediate suspension of member benefits.
 - 5.13.2 The member will be offered the opportunity to make written representations within one month as to why the Board's decision should not be confirmed. Oral representations will not be accepted.
 - 5.13.3 The Board will take account of any written representations and either confirm or amend its decision.
 - 5.13.4 The Director in charge of NLA complaints will write to the member informing them of the Board's decision.
- 5.14 The member or the complainant may appeal against the Board's decision. Appeals will be considered by an independent adjudicator. The party submitting an appeal must submit this in writing and agree to:
- 5.14.1 To accept as final the decision of the independent adjudicator.
 - 5.14.2 To lodge with the NLA an amount to be determined by the NLA to cover costs and disbursements incurred by the NLA. This amount will be returned to the appellant should the adjudicator not uphold the NLA decision.
- 5.15 The Code cannot and does not supersede the normal operation of the law. A complainant retains the right throughout the process to choose to go to law; in this event, the complaint would be halted, as the courts take precedence over the Code. Similarly, the Code of Practice cannot be used to re-open an issue on which the courts have already adjudicated.