

## **Tribunal Procedures for the Unipol (Leeds) Code - General Notes for Guidance 2020**

### **Signing the Unipol Code**

1. The Code first came into operation on 1st August 1995. The current Code is the 2018-2021 version (available from the Unipol Student Homes website)
2. Adoption of the Code by an owner 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)
3. Details of complaints and compliance check results will be available for public view on the Unipol web site.
4. To become a member of the Code owners need to sign the declaration form and complete a student property list form, both of which should be returned to Unipol. Membership of the Code will run for a set period of three years, after which time members will be required to re-sign.
5. All new and returning members will agree to have at least one property inspected, which will take place as soon as possible after registration. If they own/manage more than five student properties then the number of properties to be inspected will be based on a ratio of 1:5 (or more if serious non-compliance with the Code is detected).
6. Managing Agents can choose to register as either full members of the Code or as supporters of the Code. If they decide to be full members then points 4&5 apply, if they wish to be a supporter then they will need to sign a bilateral agreement with Unipol which sets out the terms of their membership.
7. Code of Standards properties will be displayed on the internet website on a blue background with the Unipol Code logo clearly visible (or a green background in the case of properties owned or managed by Unipol). Managing Agents who are supporters of the Code will only be able to display properties as Code if: (a) the owner of that property is an individual full member of the Code, and the property concerned is included on their student property list; (b) an inspection has been carried out and the property(ies) meet/s with the required standards.

### **Complaints**

8. Complaints can be lodged by student tenants, ex-tenants, a member of the community, the local authority, a representative of the tenant/ex-tenant, the university or the students union (if they are a stakeholder within the relevant Unipol sub-committee), or the company secretary of Unipol.
9. If the person initiating a complaint is a parent or relative of a tenant or former tenant, then the written authority from the tenant must be attached to the complaint which authorises them to act on their behalf.
10. If the complaint is made by the local authority, university, students union or Unipol, every effort will be made to have the complaint endorsed by a tenant that is or has been affected.
11. All complaints shall be made in writing, email or via the Unipol website form to The Codes and Complaints Investigator, Unipol Student Homes. There is guidance available on the Unipol website about making a complaint.
12. All complaints should state the following: (i) what breach has occurred; (ii) steps taken by the party bringing the complaint to bring the breach to the owner's/agent's notice; (iii) timescales involved concerning the problem; (iv) if the property is accredited under the Code (relates to managing agents only); (v) contact details for the party bringing the complaint.

13. Unipol will check that the complaint fulfils these criteria and then acknowledge receipt of the complaint.
14. Once a complaint is received the owner/agent of the property will be written to, informing them of the complaint and giving them seven working days in which to respond.
15. Generally, it is hoped that reporting a complaint about a property of an owner/agent who has signed the Code voluntarily will result in that owner taking any necessary remedial action immediately.
16. The Codes Administrator may visit the property if the owner/agent and person/s making the complaint cannot agree as to the standard of the accommodation. In these cases the Codes Administrator will prepare a report on the inspection and this will be made available to the members of the Tribunal.
17. Once a response from the owner/agent has been received, a copy will be sent to the person/s making the complaint.
18. If the owner/agent and person/s making the complaint cannot agree to resolve the complaint at this stage, the Codes Administrator will refer the complaint to the Tribunal Chair for action. In certain circumstances the Chair may decide to suspend an owner/agent from membership of the Code, pending a Tribunal hearing. This is referred to as Chair's Action. In most cases the complaint will be referred to the Fast Track Tribunal, consisting of the Chair and two Vice Chairs.

#### **Complaints Relating to Deposit Deductions**

19. Any complaints concerning deposit deductions relating to tenancies which began after the introduction of the Tenancy Deposit Protection Schemes should, in the first instance, be dealt with through the scheme's own Alternative Dispute Resolution (ADR) process.
20. The Unipol Code's complaints procedures will only deal with complaints relating to deposit deductions if: a) the deposit was not protected by one of the TDP schemes and should have been; b) the tenant/s or former tenant/s were not given assured shorthold tenancy; c) the matter concerns the non-provision of guidelines for bringing the tenancy to an end.
21. If a complaint relates to the non-return of a deposit that was protected under the Unipol/TDS deposit protection scheme, then it will be referred to the Deposit Panel, who will hear the complaint within a given period of time (see separate procedures available on the Unipol website).

#### **Complaints Relating to Supporters of the Code**

22. Although Supporters of the Code sign a bilateral agreement with Unipol, this does not mean that all complaints brought against a supporter of the Code will necessarily be valid.
23. Where any Code complaint made relates to a property that the Supporter has had individually accredited under the Code, then the Supporter will be held accountable and required to respond to any allegations made in respect of compliance with the Code.
24. In situations where a complaint relates to a property that has not been individually accredited, but is managed by a Supporter, Unipol will investigate that complaint within the terms of the bilateral agreement made between that Supporter and Unipol. This means that any aspects relating to the way in which the property is being managed will be regarded as something that the Supporter should respond to, but not those relating to matters concerning the physical standards of that property.

#### **Fast Track Tribunal Procedure**

25. In the first instance, all Code complaints that cannot be resolved in the manner described in paragraph 14 will be referred to the Fast Track Tribunal, which consists of the Chair and two Vice Chairs.
26. The Tribunal Chair is Mr John Martin, the two Vice Chairs are Mr Steven Kettlewell (Landlord) and a student nominated by the Unipol Board.
27. The Fast Track Tribunal will meet every two months (apart from July and August). If at the time the hearings are due to take place no complaints have been referred, the Chair and Vice Chairs may agree to postpone the scheduled hearing.
28. The quorum for Fast Track Tribunals shall be two, at least one of whom should be a Student.
29. If the Chair is not able to attend a Tribunal then one of the Vice Chairs will be asked to undertake that role.
30. The Codes Administrator will write to inform both the owner/agent and the person/s who brought the complaint of the date the Fast Track Tribunal has been scheduled to meet on. They will be invited to either attend the hearing, or to submit any additional written submissions for consideration by the Tribunal if they cannot do so. In either case they will inform the Codes Administrator of how they wish to proceed, no later than three working days before the date of the hearing.
31. The Codes Administrator will attend meetings in order to provide guidance on the Code to members of the Tribunal, as well as to take notes on the proceedings.
32. No legal representatives are allowed at the Fast Track representing either owner/agent or tenant. Lay people can accompany or represent either party.
33. Any members of the Tribunal with an interest (financial or personal) in any case before the Tribunal should declare it to the Tribunal before the case is heard and the Tribunal will consider whether the member should continue to deliberate on that complaint
34. Decisions taken by the Fast Track Tribunal will be conveyed to all concerned parties, in writing, within five working days of the hearing taking place.
35. If a complaint (or parts of a complaint) is upheld against an owner/agent then details of the decision will be posted onto the Unipol website. A press release may also be issued if the Tribunal considers that the matter represents a significant breach of the Code, and/or where the landlord has acted in bad faith.
36. If a complaint is not upheld then the owner/agent concerned can decide whether they wish the details to appear in the public domain.
37. The Fast Track Tribunal may refer complaints to a hearing of the Full Tribunal.

### **The Full Tribunal**

38. The Full Tribunal is designed to be the final resort in a serious dispute. The Tribunal is expensive to administer and sits only when important.
39. The **Full Tribunal** will consist of nine members:
  - The Chair of the Tribunal (or his nominee)
  - The two vice-Chairs
  - Two student members from Unipol's Board

- Three representatives from the Owner Community (selected from a panel)
- One member nominated by Leeds City Council

40. At least one member present must be a student and the quorum shall be five.

41. Full Tribunal hearings should be heard within eight working weeks of the procedure being triggered. If either the owner/agent or the complainant/s cannot attend within eight working weeks then the hearing will take place in absentia of that party.

42. Paragraphs 30 to 36 will also apply to hearings of the Full Tribunal.

### **Selection of Full Tribunal Members**

43. The Owners' Vice Chair is elected by the Tribunal every three years.

44. Selection of Unipol Board Student Representatives - will be by Unipol's Board and appointments will be made for three years or, in the case of a resignation, from that date

45. Selection of Owner Representatives - will be from all owners signed-up to the Code by May 1<sup>st</sup> in the year that the election takes place. Appointments are made for three years or until resignation. A panel of 10 representatives are elected every three years. A by-election is held when the number of representatives falls below six. All owners nominated must have had no complaints upheld against them by a Tribunal for the previous two years.

46. In the event that a very large number of nominations are received, an election will be called and all Code owners signed-up by May 1<sup>st</sup> will be invited to vote for a given number of candidates. The candidates will be asked to produce a 100 word resume of why they were standing, which will be circulated to that electorate.

47. Selection of Leeds City Council Representative - will be by the Director of the relevant Local Housing Authority.

### **Powers of the Tribunals**

48. Both Tribunals can take one of four decisions: (i) request additional information and to reconvene at a later date to consider the complaint; (ii) uphold the complaint; (iii) make a recommendation to other parties; (iv) reject the complaint

49. Both Tribunals (Fast Track and Full) will be able to make recommendations to all statutory bodies, educational institutions and all other appropriate parties. In the event that it is decided that a complaint from a student was malicious, a recommendation from the Tribunal to the relevant educational institution in respect of its disciplinary procedures would be likely.

50. The Tribunals can also recommend the following:

- A warning letter be written
- The suspension of a landlord or agent from the relevant Unipol Code for either a specified period of time, or indefinitely (six years), and conditions set for the lifting of that suspension. The suspension can be for an individual property, or for any number of properties, or for the owner/agent themselves
- The setting of conditions for continuing membership of the relevant Code
- The suspension of a landlord/agent from using Unipol's services
- The issuing of a press release detailing the complaint and its outcome

51. Any decision of the Tribunals will be confirmed in writing.

52. The decision of the Chair is final.

**Annual Meeting of the Tribunal Panel**

53. Members of the Tribunal will, regardless of receiving any complaint, meet on an annual basis in order to receive a report detailing the proceedings of both Tribunals during the past year. This will occur on a set date each year, as determined by the Chair and Vice-Chairs.

### **Procedures of the Tribunals - Before the Tribunal Meeting**

1. The complainant and the landlord/agent will be informed of the date of the Tribunal meeting not less than 15 working days before the meeting and invited to attend. Should problems arise from both the complainant and the landlord/agent being present at the same meeting, every effort will be made (where possible) to allow separate appearances before the Tribunal.
2. It is desirable that all the details regarding complaints are received by Tribunal members as soon as possible, but in any event all details of the complaint/s shall be circulated to all Tribunal members who have confirmed their attendance not less than 3 working days before the meeting.
3. Both parties to the complaint will be sent copies of the relevant paperwork, usually a week before the meeting
4. Those interested parties invited to attend the Tribunal must, not less than 3 working days before the hearing: (i) confirm that they intend to attend; (ii) confirm any representatives they intend to bring; (iii) submit any additional written submissions for consideration by the Tribunal. After that date permission to do any of these will require the permission of the Tribunal Chair.

### **Procedures of the Tribunals - At the Tribunal Meeting**

5. No observers (or other non-interested parties) shall be present, except with the permission of the Tribunal Chair.
6. All members present will be reminded to turn off any mobile phones or other electronic communications equipment that may disturb the hearing.
7. Members of the Tribunals will be identified to the parties at the commencement of proceedings
8. The parties to the complaint and the signatories will be identified at the commencement of that agenda item.
9. Additional paper work made available after that time may be tabled at the meeting only with the consent of the Chair
10. The Chair, or his/her nominee, shall summarise the complaint/s and subsequent action taken. This summation shall be definitive and not open to challenge.
11. The Chair may then invite any parties to the complaint that are present to make comments, within a time-frame decided upon by the Chair.
12. Generally the complainant will be invited to speak first and the owner/manager to speak second.
13. The parties to the complaint shall address the Tribunal only.
14. Members of the Tribunal will then ask any questions.
15. After hearing matters relating to the complaint the Chair shall summate the issues.
16. If there are a number of complaints being considered then the Tribunal shall undertake its deliberations in confidence at the end of the hearings.
17. If there is one complaint then the Tribunal shall undertake its deliberations, in confidence, at the end of that hearing.

18. In reaching a decision every effort shall be made by the Tribunal to reach consensus but in the event of a variety of views being expressed then a simple majority shall decide the matter (with the Chair having, in the event of a tie, a casting vote).
19. 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 is any report made of that vote.
20. The Tribunal can decide whether to announce its decision, after its deliberations, to the parties concerned at that time, or decide to give its decision in writing later.

#### **Procedures of the Tribunals - After the Tribunal Meeting**

21. All decisions given will be confirmed in writing not more than five working days after the meeting.
22. The decision, once confirmed in writing, is made public.
23. Notes of the Tribunal are made public on the Unipol website and minutes are to contain details of the case and outcome, together with any recommendations made by the Tribunal.
24. Unipol, in administering the Tribunal, will action any recommendations made by the Tribunal.
25. It will be normal for Unipol to issue a press release after a Tribunal decision.
26. If the complaint is not up-held, the landlord/agent concerned will be offered the choice of whether details of the decision should be displayed on the Unipol website