



National Code for Non-Educational Establishments - Code Review Consultation 2025

Thankyou for taking the time to complete the consultation survey on the proposed changes to the National Code for Non-educational Establishments. This consultation exercise will help us to shape the Code at a crucial time in policy terms, and we welcome feedback and questions from all stakeholders involved with the delivery, operation and success of the student accommodation sector.

This consultation references the most significant changes that are being proposed, related to amending and adding content. Minor wording/numbering changes are not included, but the tracked-changed document shows all changes within the Code in full. There is an opportunity at the end of the survey to add additional commentary on anything that is not included as part of the survey but is within the full Code document.

This consultation will run for 6 weeks - opening on 8th April 2025, and closing on 21st May 2025. We want to maximise the response rate to ensure viewpoints from across the sector are considered, so we are encouraging all respondents to share the survey link with colleagues and other stakeholders.

Privacy Notice

We are committed to protecting your privacy and ensuring that your personal data is handled securely. This survey will collect data on individual and organisation responses to the proposed changes to the National Code for Non-educational establishments. Participation is voluntary, and you can withdraw your response at any time or after completion by contacting nationalcodes@unipol.org.uk

Your data will be processed in accordance with the [Unipol Data Protection Policy](#) and relevant data protection legislation. **Please note consultation responses will be shared with the Ministry of**

Housing, Communities and Local Government (MHCLG) in a non-anonymised format. However, any public-facing reports based on the consultation findings will anonymise personal data to protect respondents' privacy.

By completing this survey, you consent to the collection and processing of your data as outlined above. If you have any questions, please contact Unipol's data controller Victoria Tolmie-Loverseed dataprotection@unipol.org.uk

Personal Information

Name of Organisation

Lancaster University Students' Union

Name of Respondent

Ella Smith

Respondent Email

su.governance@lancaster.ac.uk

What type of organisation are you?

- ☐ Private Provider
- ☐ University
- ☐ Developer/Builder
- ☐ Investor
- ☒ Students' Union
- ☐ Student
- ☐ Other (Please Specify)

Changes to the National Code for Non-Educational Establishments - In-Code Clauses

This first part of the consultation survey is structured by each section of the Code, and highlights the main significant amendments and changes to each section of in-code clauses and sub-sections. The survey seeks to understand to what extent respondents agree or disagree with the changes proposed, using a multiple choice rating system supported by open text boxes for supporting detail.

There is a guidance document that must be used alongside the online survey that details the wording changes in full to the clauses. The guidance document can be [downloaded here](#).

Each open text box is set as mandatory, as we believe it is important for us to understand in more detail how and why respondents have selected their multiple choice option, and the context for the choice. We strongly encourage respondents to add some level of supporting detail for each section, but if there is no additional detail required please simply type 'n/a'.

A full copy of the Code document that has tracked changes and shows all changes in full can be [downloaded here](#).

If there is something within the full Code document that does not appear within the consultation survey BUT you wish to submit feedback on it please include this in the final open text question that asks for any further comments at the end, or email nationalcodes@unipol.org.uk

Introduction

New sections of wording have been added in the introduction, mainly relating to the scope of the Code and information sharing arrangements

Scope

The current wording within the introductory section of the Code reads:

This Code applies specifically to accommodation providers other than educational establishments. Where accommodation is provided in partnership with an educational establishment, the matter of whether or not the accommodation is managed and controlled by the educational establishment is determined by the results of a points-based questionnaire exercise – see Annex 1.

Currently this does not make clear the bed space number threshold limits, so this has been re-written and the new wording reads as:

*This Code applies specifically to accommodation providers other than educational establishments who are manage and control buildings consisting of 15 or more students.
All Dwellings and communal areas within these buildings should be within the control of the Code member/applicant, and the buildings should be predominantly occupied by students.
Where accommodation is provided in partnership with an educational establishment, the matter of whether or not the accommodation is managed and controlled by the educational establishment is determined by the results of a points-based questionnaire exercise – see Annex 1.*

Information Sharing

The section 'Terminology & definitions' has been extended to include **information sharing**

To what extent do you agree or disagree with the new wording covering the scope of the Code and information sharing arrangements?

Scope of the Codes

- ☐ Strongly Agree
- ☒ Agree
- ☐ Neither Agree nor Disagree
- ☐ Disagree
- ☐ Strongly Disagree

Terminology, definitions and information sharing

- ☐ Strongly Agree
- ☒ Agree
- ☐ Neither Agree nor Disagree
- ☐ Disagree
- ☐ Strongly Disagree

Please provide further detail to support your answer: *

n/a

Section 1 - General

There has been some wording changes tro clauses within this section regarding changes of operational management, and new requirements on providing data on building owners.

1.4 - Wording has been added to this clause to strengthen it regarding the timescales for notifying the Code of changes of operational management

1.5 - Additional wording has been provided here to make clear that providers must have operational control of a whole building

1.8 - This clause has been expanded to ensure details of the owners of buildings are also provided to the Code

To what extent do you agree or disagree with the additional wording and changes to the clauses in section 1? *

Clause 1.4

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 1.5

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 1.8

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Please provide further detail to support your answer:

*

LUSU welcomes the changes to the code in section 1 that provide greater clarity for tenants and Students' Unions on the identity of the current, active Members of the Code. We feel these changes ensure greater accountability for Members' adherence with the Code.

Section 3 – Before Occupants Move in

There have been revisions to this section regarding displaying the National Code logo as a condition of membership, and the introduction of a new sub-section and clauses related to building remediation and compensation.

3.12 - This has been changed so that for new members, membership is conditional on display of the National Code logo taking place i.e. the membership would be confirmed on a given date subject to display taking place. For existing members, rectification must take place within 5 days of notification from the NCA otherwise immediate suspension will take place.

New Sub-Section – Building Remediation - Previously remedial works sat elsewhere within the Code, but has been moved because remediation may now have a wider remit than just fire safety (following the Building Safety Act and the Fire Safety Act) and has been relocated after late construction. The clause has also been updated to include the Government’s Code of Practice on building remediation and a link provide to that. The new clause has been made more detailed and may need to link in with updated general guidance. The old guidance has been removed because of the Government’s own guidance now covers much of the same territory.

3.24 - relates to adhering to the Government’s Code of Practice for the remediation of residential buildings

3.25 - related to appropriate compensation in instances where an occupant has suffered considerable and unexpected disruption.

To what extent do you agree or disagree with the amendments within Section 3 and the addition of a new sub-section on building remediation? *

Clause 3.12

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 3.24

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 3.25

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Please provide further detail to support your answer: *

LUSU welcomes the move to make it more obvious which providers are active Members of the Code. We feel this stringent protection of the Code as a key signifier of quality should act as a useable tool for students seeking accommodation.

We appreciate the recognition of the requirements for compensation during disruption. Though this is covered through other legal avenues, we would welcome measures to strengthen the rate of compensation available for tenants who have been disrupted or subject to mis-selling.

Section 4 - During the Occupancy

There have been amendments to this section on tenancies, including:

- redrafting the clause on changes of operational management
- the introduction of a new clause on notice period
- the introduction of a new sub-section *Death of An Occupant of Future Occupant*.
- Adding in specific provisions on damp & mould

4.4 - This clause has been redrafted to suite in with the changes made to clauses in section 1 related to instances of buildings changing operational management

4.5 - The existing clause 4.5 has been significantly expanded in conjunction with the new clause 4.6

4.6 - This clause deals with the new right for certain tenants to give a period of notice if they are no longer studying at their institution of study. Although the Code generally uses the term "occupancy agreement" as this particular clause is likely to have legal affect, the term "tenancy" has been retained. As the Renters Rights Act will not apply to common law tenancies, the Code can make its own rules with regard to tenants' cancellation rights.

New Sub-Section - Death of an Occupant or Future Occupant - It was felt appropriate that the Code should build upon this change and the approach that has been taken is simpler than in the Bill which will ensure that in the event of the death of a tenant, any guarantor agreement will not be proceeded with or enforced. What this new clause ensures is that at the time of the death of a tenant, most obligations relating to the tenancy will end at the time of the death and no further financial cost will be incurred by the tenant or their guarantors. If monies were outstanding then these will not be collected.

4.19 An additional clause to bring the Code in line with current requirements and Government guidance on handling reports of damp and mould.

To what extent do you agree or disagree with the changes and additions within Section 4?

*

Clause 4.4

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 4.5

- ☐ Strongly Disagree
- ☐ Disagree
- ☒ Neither Agree Nor Disagree
- ☐ Agree
- ☐ Strongly Agree

Clause 4.6

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 4.7

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 4.8

- ☐ Strongly Disagree
- ☐ Disagree
- ☒ Neither Agree Nor Disagree
- ☐ Agree

☐ Strongly Agree

Clause 4.9

☐ Strongly Disagree

☐ Disagree

☐ Neither Agree Nor Disagree

☐ Agree

☒ Strongly Agree

Clause 4.10

☐ Strongly Disagree

☐ Disagree

☐ Neither Agree Nor Disagree

☒ Agree

☐ Strongly Agree

Clause 4.19

☐ Strongly Disagree

☐ Disagree

☐ Neither Agree Nor Disagree

☐ Agree

☒ Strongly Agree

Please provide further detail to support your answer: *

LUSU welcomes the commitment to protect tenants and limit their financial liability should they withdraw from their programme of study. We also welcome the protections for guarantors, co-habiting tenants, and family members should a tenant be deceased during a tenancy.

LUSU strongly supports the inclusion of stringent provisions related to the remediation of damp and mould in accommodation. We would like to see the Code clarify definitions of "significant risk to health and safety" and "competent person" as we fear these could be open to abuse.

Section 6 - During the Occupancy Part 3

There have been some revisions to this section with the introduction of 2 new sub-sections:

- a sub-section on Regulatory Reform (Fire Safety) Order 2005 and Fire Safety Act 2021 - This replaces the previous sub-section entitled 'Fire Safety' and alters one existing clause and adds two new ones (6.15 & 6.16)

- a sub-section on The Building Safety Act 2022 - This is a new subsection with three clauses to it – 6.29, 6.30 and 6.31 – covering compliance with the new legislation

To what extent do you agree or disagree with the addition of the 2 new sub-sections in Section 6? *

Clause 6.15

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☒ Agree
- ☐ Strongly Agree

Clause 6.16

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☒ Agree
- ☐ Strongly Agree

Clause 6.18

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☒ Agree
- ☐ Strongly Agree

Clause 6.29

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☒ Agree
- ☐ Strongly Agree

Clause 6.30

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☒ Agree

☐ Strongly Agree

Clause 6.31

☐ Strongly Disagree

☐ Disagree

☐ Neither Agree Nor Disagree

☒ Agree

☐ Strongly Agree

Please provide further detail to support your answer: *

We welcome the enforcement of greater fire safety protocols and expectations, particularly for more at-risk or high-rise properties.

Section 8 - At the End of the Occupancy Agreement

This section has been redrafted to incorporate use of the government approved TDS including building into the Code the regulatory timelines which apply only to assured tenancies. This section also aligns response rates to occupants with the regulatory timelines. The system for adjudication and complaints about deposits has also been clarified.

As occupants in Scotland and Northern Ireland will continue to fall under deposit protection regulatory provisions this is added.

There was a previous provision for deposits that did not fall within the TDS scheme (this would have applied to twin rooms and a variety of other anomalies) but now all deposits taken will fall under the voluntary provisions in England and Wales.

To what extent do you agree with the re-drafted provisions on deposits in Section 8?

*

Clause 8.1

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 8.2

- ☐ Strongly Disagree
- ☐ Disagree
- ☒ Neither Agree Nor Disagree
- ☐ Agree
- ☐ Strongly Agree

Clause 8.3

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 8.4

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☒ Agree
- ☐ Strongly Agree

Clause 8.5

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree

- ☐ Agree
- ☒ Strongly Agree

Clause 8.6

- ☐ Strongly Disagree
- ☒ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☐ Strongly Agree

Clause 8.7

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Please provide further detail to support your answer: *

LUSU welcomes the protection of occupants' deposits through the recognised Tenancy Deposit Protection Scheme. We do, however, feel the Code in it's proposed wording it too open to interpretation and should be clarified and strengthened in the following ways:

Clause 8.1: "...this means they must put occupants' deposits...". We feel this change makes the expectations abundantly clear for Members and will ensure greater compliance.

Clause 8.1: "...do not damage the property and are up to date with their rent and bills...". This change will make this part of the Code align with Section 4 and the new arrangements surrounding early closure of tenancy.

Clause 8.1: we feel the Code could include a statement on the maximum reasonable size of a deposit. For instance: "deposits must be set a rate equivalent to no more than 1.2 times standard monthly rent".

Clause 8.4: we would welcome further clarity for Members on what constitutes reasonable expectations for cleanliness. Similarly, we would like to see the Code provide further guidance for Members on what would represent "clear written guidelines".

Clause 8.6: the wording here is inadequate and not in-line with the rest of the Code. A measurable deadline (e.g. within 5 days) would be much more useful for both Members and tenants.

Overall, we feel the Code can function as a useful, clear, objective set of expectations for all parties involved in student housing. We feel the changes we have listed here will help solidify section 8 as a tool to ensure quality and dignity in deposit disputes.

Section 9 - Complaints and Disputes

The section (and titles) has been rewritten to be clearer with more closely defined timescales for action. Although the Code has been reviewed a number of times since 2004 this section has remained largely unchanged and needed updating.

There was a confusion about a complaint and a dispute and so the section has been re-drafted to major on the word complaint, using the term dispute only towards the end of the process when resolution is no longer possible

The timescales being operated for the complaints were examined to see whether the Code processes were unnecessarily long. Under the Code tenants should receive a response to a complaint within 14 days and have 14 days after that to rectify any matter. There was an inconsistency in the Code where it said 14 days in 9.4 but then it was 1 month under 9.10 – so that has been regularised and the timescales of the complaints procedures and in clauses 9.8 and 9.10 has been shortened from 14 days to 10 days.

It also includes the introduction of a new sub-sections to outline more clearly the roles of the different colleagues and governance functions in the complaints process – the new sub-sections are titled the Code Complaints investigator, The Audit Panel and The Tribunal and Disputes. and also prohibits the use of non-disclosure agreements in complaint resolutions

To what extent do you agree with the re-drafted provisions, and additional sub-sections, in Section 9? *

Clause 9.1

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 9.2

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☒ Agree
- ☐ Strongly Agree

Clause 9.3

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree

☒ Strongly Agree

Clause 9.4

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 9.5

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 9.6

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 9.7

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 9.8

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Clause 9.9

- ☐ Strongly Disagree

- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

New Sub-Section: The Codes Complaints Investigator

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

New Sub-Section The Audit Panel

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

New Sub-Section The Tribunal and Disputes

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Neither Agree Nor Disagree
- ☐ Agree
- ☒ Strongly Agree

Please provide further detail to support your answer: *

LUSU welcomes the strengthened sections of the Code related to complaints and disciplinary actions against Members in breach of the Code. We feel the amended clauses provide a clear series of escalations and a demonstration of the ability of CCIs and the Audit Panel to take action.

Our one concern would be if there is adequate resourcing available to effectively support in-depth investigation by CCIs and the Audit Panel. If adequately resourced, we have confidence that the proposed measures would allow the Code to become a trusted mark of compliance and quality in the sector.

Changes to the National Code for Non-Educational Establishments - Annexes and Appendices

This second part of the consultation survey covers the new annex and appendices to the Code, which covers membership, joining processes and suspensions and exclusions from the Code:

- Annex 2 - Joining As A New Member, Suspensions Of Buildings And Expulsions From The Code
- Appendix 6 - Application and declaration for membership

As with the previous section, the survey seeks to understand to what extent respondents agree or disagree with the new drafted procedures and policies, using a multiple choice rating system supported by open text boxes for supporting detail.

There is further supporting detail for this section within the Guidance Document. The full draft text for the areas covered in this section can be found in the draft Code document that can be [downloaded here](#).

Annex 2 - Joining As A New Member, Suspensions Of Buildings And Expulsions From The Code

This new Annex makes the processes for each of the four options:

- 1) joining as a new Member
- 2) joining as a new member with an established track record
- 3) existing Members
- 4) suspension or Exclusion from the Code

Because of the tenure distinctions in England and Wales between private sector Code tenants and other tenants it will be vital that both membership and the buildings covered is clear and unambiguous.

It has been agreed in discussions with MHCLG that clarity of membership is important and that interim arrangements, where an owner or manager is either joining or leaving the Code, should be minimised.

Increasing clarity and removing ambiguity requires changes to the private sector Code in the form of a new Annex 2 which brings some previously operational procedures directly into the revised Code.

To what extent do you agree or disagree with the proposed procedures for membership outlined in Annex 2?

Joining As A New Member

- ☐ Strongly Agree
- ☒ Agree
- ☐ Neither Agree nor Disagree
- ☐ Disagree
- ☐ Strongly Disagree

Joining As A New Member With An Established Track Record

- ☒ Strongly Agree
- ☐ Agree
- ☐ Neither Agree nor Disagree
- ☐ Disagree
- ☐ Strongly Disagree

Existing Members

- ☐ Strongly Agree
- ☒ Agree
- ☐ Neither Agree nor Disagree
- ☐ Disagree
- ☐ Strongly Disagree

Suspension or Exclusion From The Code

- ☐ Strongly Agree
- ☒ Agree
- ☐ Neither Agree nor Disagree
- ☐ Disagree
- ☐ Strongly Disagree

Please provide further detail to support your answer: *

n/a

Appendix 6 - Application and declaration for membership

There have been additions made to Appendix 6, most significantly to a provider’s Code status being placed in the public domain **and** details of who information might be shared with:

I/we understand that information about my Code status is in the public domain and will be accessible to all those visiting the National Codes website and will remain accessible for up to three years regardless of my future membership of the Code.

I/we agree that the National Codes may share information about a Member and properties within the Member's management or control:

(a) with government agencies for the purpose of administering the Codes; and/or

(b) with statutory and regulatory authorities in relation to the enforcement of standards.

To what extent do you agree or disagree with the proposed additions to the Code declaration on Code status being in the public domain and information sharing arrangements?

Code Status

- ☒ Strongly Agree
- ☐ Agree
- ☐ Neither Agree nor Disagree
- ☐ Disagree
- ☐ Strongly Disagree

Information Sharing Arrangements

- ☒ Strongly Agree
- ☐ Agree
- ☐ Neither Agree nor Disagree
- ☐ Disagree
- ☐ Strongly Disagree

Please provide further detail to support your answer: *

n/a

Changes to the National Code for Non-Educational Establishments - Additional Comments

Please use this open text box to provide any additional commentary or feedback on the proposed changes to the Code

We have no further comments.