



## **Lincoln Students' Union Accommodation Services Ltd (SUAS) Membership Referrals Process**

The Lincoln Students' Union Accommodation Services Ltd (SUAS) Membership Referrals Process should be read in conjunction with the University of Lincoln Students' Union (ULSU) Complaints Procedure which can be found at <https://cdn.sums.su/ln-assets/website/documents/ULSU+Complaints+Procedure.pdf>. All complaints relating to the ULSU Group, of which SUAS is a part of, are dealt with using the ULSU Complaints Procedure.

Any complaints relating to properties or property managers which are members of the Lincoln Students' Union Accommodation Services Accreditation Scheme will be enacted as outlined within the ULSU Complaints Procedure.

### **1. Interpretation**

- a) Words and phrases used in this Policy have the same meaning as are given to them in the ULSU's Articles of Association (available at <http://lincolnsu.com/about-us/governance>) unless the context otherwise requires.
- b) In this policy the following definitions apply:
  - i. A 'working day' does not include a Saturday, Sunday, Bank Holiday or Official University holiday (Concessionary Day).
  - ii. 'Property Managers' are Landlords or Lettings Agents who are members of the SUAS Accreditation Scheme.
  - iii. 'Tenants' are Student Members of the ULSU.

### **2. Overview**

This process is in place in order to review the membership of a property owner following a referral from any legitimate source, with all referrals to be reviewed fairly and confidentially.

The Membership Referral Process for SUAS shall intend to:

- i. Be fair and independent
- ii. Provide a clear, codified objective for handling and addressing concerns from tenants and City of Lincoln Council
- iii. Ensure information on how to raise a membership concern is visible to stakeholders
- iv. Provide for referrals to be handled and heard in a confidential environment through the University of Lincoln Students' Union
- v. Informal resolution to be preferred and conducted as deemed appropriate
- vi. Give emphasis to ease of access and remedy referrals as quickly and efficiently
- vii. Include provision for referral to be adjudicated where appropriate by an independent party via the Housing Ombudsman to ensure utmost fairness

### 3. Submission of Referrals

This Membership Referrals Process shall be applicable to tenants, students, University of Lincoln Students' Union departments, City of Lincoln Council Private Housing, and property managers who are members of Lincoln Students' Union Accommodation Services Accreditation Scheme. All referrals must be submitted through the following email address: [lincolnstudentlettings@lincolnsu.com](mailto:lincolnstudentlettings@lincolnsu.com). All referrals must give details of the grounds for referral, evidence and any relevant dates or timings. Any complaints relating to accommodation must be submitted to [complaints@lincolnsu.com](mailto:complaints@lincolnsu.com) and will be considered separately in line with the ULSU Complaints Procedure.

### 4. Scope of Referrals

Referrals which should be submitted, can include, but are not limited to:

- Failure to adequately maintain the property to the agreed standards
- Any breach of the terms of the Accreditation Code of Practice
- Any breach of the terms of the Housing Act 2004
- Referrals from the City of Lincoln Council Private Housing
- Failure to meet the standards of a fit and proper person

Please note that any matters concerning the use of Deposits for assured short hold tenancies are not within the jurisdiction of this process and should be broached with the appropriate Tenancy Deposit Protection scheme, as stipulated within the tenant's contract. Should an issue with a deposit be a wider narrative of concerns, then an exception may be made at the discretion of the Deputy Chief Executive.

### 5. Informal Procedure

The informal approach shall intend to resolve matters in an efficient and effective manner and is the favored form of resolution dependent on the severity of the referral. If informal resolution is required, then the party making the referral shall be contacted within 10 working days to discuss the details of the referral and the desired outcome.

Following a discussion with the party making the referral, the Housing and Accreditation Scheme Manager shall contact the Property Manager to discuss the reasons for referral and the appropriate method of resolution. In some circumstances, it may be deemed appropriate for the property concerned to be inspected by SUAS; should this be the case, the Property Manager shall be contacted with a minimum of 48 hours' notice.

Should a property inspection determine hazards or risks of an unlawful nature then the Membership Referrals Process shall be escalated to the Formal Procedure.

Once discussions have taken place with the Property Manager, or an inspection has been conducted, the Housing and Accreditation Scheme Manager shall compile a written report on their findings and their proposed resolution.

If the Housing and Accreditation Scheme Manager concludes that the referral should not be upheld, they will write to the Property Manager within 10 working days of the property inspection or discussing the matter with the party making the referral. This letter shall contain their report and outline the reasons as to why the referral was not upheld; the letter shall also note that the matter will be referred to should any further referrals, complaints or concerns be received of a similar nature.

Should the Housing and Accreditation Scheme Manager determine that the referral should be upheld, then they shall write to the Property Manager within 10 working days noting the appropriate course of action required in line with the Accreditation Code of Practice. The Property Manager shall also be informed that should a further referral be received of a similar nature within the property, then the formal procedure may be enacted. In most circumstances a follow-up visit to the property will be conducted to ensure the resolution has been upheld and standards still meet the criterion of the Accreditation Scheme.

The latest version of the Accreditation Scheme Code of Practice is available from [www.lincolnstudentlettings.co.uk/landlords](http://www.lincolnstudentlettings.co.uk/landlords)

## 6. Formal Procedure

The Formal Procedure shall be enacted when a referral cannot be resolved in an Informal way or is deemed as a severe breach of the Accreditation Scheme's terms and conditions as detailed in the Code of Practice. The following factors will be considered:

- If any part of the Accreditation Code of Practice has been breached
- The timescale of the referral and any previous Informal action
- Any similar referrals or complaints from other tenants of the same Property Manager
- Any attempts made by the Property Manager to rectify the problem following the raising of concerns by the party making the referral
- Previous informal action

On receiving a referral, the Housing and Accreditation Scheme Manager will review the evidence, request further evidence where necessary or request a site visit.

Once the Housing and Accreditation Scheme Manager has investigated the referral, a Formal Review Panel shall convene within 28 working days of the complaint being received.

The Formal Review Panel shall meet either in person or digitally and be comprised of:

Chair – Housing and Accreditation Scheme Manager  
Vice President Wellbeing and Community, or a nominated representative from the Student Leaders  
An appointed member of Students' Union staff (note taking)

All evidence gathered as part of the investigation shall be presented to the Panel, who will review and deliberate the appropriate course of action.

Under exceptional circumstances, (as approved by the Chair) the party making the referral and Property Manager may be requested to attend the meeting at separate intervals in order to state their case; under these circumstances, both individuals shall be informed that legal representation is not permitted as part of the Panel.

Please note that the Formal Review Panel's jurisdiction does not replace existing Council enforcement powers. Separate action may also be taken by the City of Lincoln Council if deemed appropriate, for example by serving a repairs notice.

It is the duty of the panel to consider sanctions, as appropriate, in respect of persistent, and/or serious breaches of the Code of Practice and the Panel has the power to rescind membership of the Accreditation Scheme.

### Outcomes:

As part of this procedure, the Formal Review Panel may agree to impose the following action should the referral be deemed to have breached the Code of Practice:

- Issue a warning of letter, which shall note that further breaches of the Code of Practice could result in suspension or expulsion.
- Suspend the Property Manager from the Accreditation Scheme (for a specified period not exceeding 6 months) to allow owner time to comply with the Code of Practice.
- Publicise the case to the student body.
- Removal of the Property Manager from the Accreditation Scheme.

- Referral of the Property Manager to the City of Lincoln Council, as part of the Trusted Landlord Scheme partnership, should the Property Manager be a membership of such scheme.

Please note that the Formal Review Panel do not have the jurisdiction to impose fees or gain any form of monetary compensation.

The outcome of Formal Review Panel shall be confirmed in within 10 working days of the Panel convening. This letter will be accompanied with the minutes of the Panel.

## **7. Appeal**

Following a Formal Review Panel, a Property Manager has the right to appeal against the Panel's decision in writing to the Students' Union's Deputy Chief Executive within 5 working days of the date of the outcome letter. This appeal must state the individual's grounds for appeal, which can be defined as the following:

- In light of new evidence that has arisen since the original panel. This does not include evidence that was available as part of the Formal Review Panel
- Procedural errors
- An undeclared conflict of interest

It is at the Chief Executive's discretion to either uphold an appeal, or dismiss it as frivolous or vexatious; the opinion of the Chief Executive must be relayed to the appellant within 5 working days of the appeal and if the grounds for appeal are accepted then an Appeals Panel shall convene within 28 working days of the appellant's letter. The Appeals Panel will consider all evidence from the Formal Review Panel, as well as the grounds for appeal.

Having considered the evidence, the panel shall decide whether the appeal is justified in line with the Code of Practice. The Appeals Panel has the power to remove or reduce any sanction imposed by the Formal Review Panel, or may alternatively apply further sanctions.

The Appeals Panel is to be conducted of the following members:

- Chair – Deputy CEO University of Lincoln Students' Union
- A representative from the Student Leaders
- An appointed member of Students' Union staff (note taking)

The outcome of the hearing shall be sent in writing to the appellant within 5 working days of the Appeals Panel, alongside the minutes from the panel. The decision of the Appeals Panel is final and cannot be revoked.

Should the party making the referral be dissatisfied with the resolve of the Membership Referral Process, or no improvements are made further to their referral, then the individual may be advised to contact the appropriate Redress Scheme. Further information is available at:

[https://england.shelter.org.uk/housing\\_advice/private\\_renting/letting\\_agent\\_redress\\_schemes](https://england.shelter.org.uk/housing_advice/private_renting/letting_agent_redress_schemes)