



HOW THE SCHEME WILL WORK

Any private landlord or letting agent who lets property within the Fife can apply to join the Accreditation Scheme. Private landlords and letting agents agree to meet the Code of Standards set out by the Accreditation Scheme. Fife Landlord Accreditation (FLA) may consider any evidence which suggests that a landlord does not currently comply with standards at the point of application. The decision to accept an application is the responsibility of Fife Landlord Accreditation. The Accreditation Scheme will inspect a sample of properties and interview tenants at any point to ensure that landlords are complying with the Code of Standards. Landlords may be removed from Accreditation if they fail to meet the requirements of the Code of Standards. There is no fee for membership, however, this is subject to change in the future.

HOW TO APPLY FOR ACCREDITATION

Only those landlords and letting agents who have been 'Approved' under the Landlord Registration scheme will be considered for membership of FLA (resident landlords are exempt from landlord registration). Interested landlords and letting agents are required to complete an application form and submit this with all supporting documentation. It is the responsibility of the landlord or letting agent to make sure that they comply with the Code of Standards. If some properties do not meet the standards an improvement plan with a timescale must be submitted along with the application. The application form and signed declaration will confirm that landlords have assessed their tenancy and property management and that it complies with the Code of Standards. Acceptance for accreditation relies on self-certification, therefore trust. Any landlord or letting agent found to have misled FLA will be removed from the scheme. Landlord's details will be entered onto the Accreditation Spreadsheet and they will receive a certificate and confirmation letter to show that they have been accredited.

MEMBERSHIP

On membership being granted a confirmation letter will be forwarded to the landlord or letting agent which includes your Certificate of Award.

Refusal of Membership Should there be evidence that a landlord does not comply with the Code of Standards or has been engaged in activities which would be considered inappropriate, the landlord or letting agent may be refused membership of the scheme. If the landlord or letting agents disagrees with the decision to refuse membership, they may submit an appeal and a decision made at a Housing Hearing Panel. Fife Council will notify the landlord or letting agent of their final decision in writing.

CODE OF STANDARDS

Fife Landlord Accreditation has adopted the Code of Standards for Private Renting in Fife. This is based on the National Core Standards. The Code of Standards aims to help landlords and tenants by promoting good practice and awareness of landlord and tenant obligations.

The Code of Standards can be divided into nine broad categories:

- Communication with the Tenant.
- Equality issues, Complaints and Disputes.
- Management of the Tenancy.
- Minimum Property Condition.
- Repairing Standard.
- Repairs and Maintenance.
- Facilities and Fittings.
- Heating Insulation and Energy Efficiency.
- Health, Safety and Home Security Features.

Within each category a set of specific standards are elaborated which are a mixture of current statutory standards and non-statutory good practice standards. To become a member of Fife Landlord Accreditation, landlords and letting agents will be required to sign a declaration agreeing to uphold the standards set out in the Code of Standards. Compliance with the Code of Standards will be checked by Fife Council Housing Management Officers. These checks will take the form of selective property inspections, interviews with tenants and spot checking Tenancy Agreements. Where requested, landlords and letting agents would be required to submit relevant safety certificates for specific properties.

COMPLAINTS

The Accreditation Scheme will not normally consider a complaint unless it is satisfied that the complainant has exhausted a members own complaints procedure.

Complaints sent to the Scheme must be in writing and clearly state:

- What breach of the code has been made.
- Any steps taken to bring this breach to the landlord/agents notice.
- An indication of the timescale involved concerning a particular problem.
- A contact address and telephone number for the person making the complaint.

Upon receiving the complaint, the Scheme will check that it fulfils the above criteria and then acknowledge receipt of the complaint. Once a complaint is received the landlord or letting agent of the property will be written to, informing them of the complaint and giving them seven working days in which to respond. It is expected that reporting a complaint will result in that landlord or letting agent taking any necessary remedial action immediately.

Where an alleged breach of the Code has been reported to the Accreditation Scheme and is being investigated, landlords and letting agents are expected to co-operate with the investigation. Following the investigation, where reasonable recommendations are made to rectify an apparent breach, the landlord or letting agent should comply with these recommendations.

Sanctions available to Fife Landlord Accreditation include:

- To recommend that the member apologise, in writing, to the appropriate person for the relevant conduct, action or omission.
- To recommend to the member that they refund all or some part of fees or charges previously made, in recognition of the conduct, action or omission.
- To recommend that the member change their procedures or documentation arising from the facts disclosed by a complaint, breach or infringement, which has been upheld.
- To recommend to the parties other, more appropriate, ways of resolving the complaint or dispute including mediation.
- To reprimand or severely reprimand the member for their conduct, action or omission.
- To suspend the member from membership of the Accreditation Scheme.
- To remove the landlord or letting agent from the Accreditation Scheme.
- Any combination of the above or any other reasonable action, which the scheme feels appropriate in order to support high standards within the industry and amongst its membership. Landlords and agents have a right of appeal if they consider any complaints against them to be incorrect.

Breaches of the Code

The types of breaches of the Code fall into two categories:

Persistent Problems - This category covers persistent minor management problems, or minor breaches of the physical standards.

For example:

- Failure to repair a broken door.
- Properties not ready at the start of the tenancy.

If it is confirmed that the landlord or letting agent has consistently failed to comply with the Code of Standards, the landlord or letting agent will be given between 7-28 days to correct the problem depending on its seriousness.

Serious Management Problems - This category covers serious management problems or serious breaches of the physical standards.

For example:

- Serious management problems such as harassment, assault or illegal eviction.
- Serious breaches of the physical standard such as failure to deal with or rectify problems within 24 hours where there is imminent risk to health. Following investigation, a response from the landlord or letting agent will be required within 7 days. Removal of membership is at the discretion of the Accreditation Scheme. However, membership will automatically be withdrawn if a landlord or letting agent where found guilty of any of the following:
 - Supplying fraudulent information to the scheme.
 - Harassment, assault, illegal eviction or any other unlawful action.
 - Failure to respond to complaints or to comply with the recommendations.
 - Failure to rectify problems which represent an imminent risk to health, within 24 hours.
 - Failure to apply for a HMO Licence (where appropriate).
 - Several cautions for similar offences.

When a landlord or letting agent is to be removed from the Scheme, they will be notified of this in writing within 7 working days of the decision being made. A landlord or letting agent who loses their accredited status will no longer be able to use the FLA logo on any publicity/promotional material.

Depending on the nature of the case, a landlord or agent who has had their membership revoked may be able to reapply for accreditation after a certain period of time. Timescales can be set by the Appeals Panel.