

Propertymark Qualifications: Level 3 Technical Award in Residential Tenancy Deposit Protection and Management (England & Wales)

Qualification Specification

ABOUT PROPERTYMARK QUALIFICATIONS

Propertymark Qualifications (formerly NFoPP Awarding Body) is the UK's specialist awarding organisation offering industry recognised qualifications in property and property affiliated disciplines. We draw our expertise from an array of experienced property industry practitioners and academics from relevant fields including property, law, surveying and finance.

Propertymark Qualifications is an independent organisation and is recognised by the national qualification regulators in England, Wales and Northern Ireland; namely the Office of the Qualifications and Examinations Regulator (Ofqual), Qualifications Wales and the Council for Curriculum, Assessment and Examinations (CCEA Regulation) respectively. We also offer accredited qualifications in Scotland, credit and level rated in the Scottish Credit and Qualifications Framework (SCQF). This means we follow strict guidelines and maintain quality standards in the provision of all our qualifications.

Propertymark Qualifications has been operating as a recognised and regulated awarding body since March 2002 with our first qualifications being awarded to candidates in 2003. We work in association with professional membership bodies which allows us to collaborate with them and draw on their expertise and experience to ensure the design and development of our qualifications is at pace with changes in the industry at large.

All of this puts us in a unique position to provide tailored and industry specific qualifications that meet industry requirements, reinforce industry standards and afford individuals the opportunity to progress.

All information on this document is correct at the time of publication.

All the material in this publication is copyright
© Propertymark Qualifications 2017

Contents

QUALIFICATION PURPOSE	4
STRUCTURE	4
ASSESSMENT GUIDANCE	4
OTHER INFORMATION	4
QUALIFICATION SUMMARY AND KEY INFORMATION	4
QUALIFICATION UNITS	5
GENERAL LAW, HEALTH, SAFETY & SECURITY IN RELATION TO RESIDENTIAL LETTING & PROPERTY MANAGEMENT (RLPM1)	5
LEGAL ASPECTS OF LETTING & MANAGEMENT (RLPM2)	7
HANDLING, PROTECTING & PROCESSING RESIDENTIAL TENANCY DEPOSITS (RTDPM3).....	10
RETURNING RESIDENTIAL TENANCY DEPOSITS & DISPUTE RESOLUTION PROCEDURES (RTDPM4).....	11
ASSESSMENT	12
REGISTRATION AND CERTIFICATION	13
REPLACEMENT CERTIFICATES	13
ENQUIRIES AND APPEALS POLICY	13
EXEMPTION POLICY	13
LEARNING MATERIAL	13

QUALIFICATION PURPOSE

The Level 3 Technical Award in Residential Tenancy Deposit Protection and Management is an intermediate qualification ideal for candidates wanting to improve existing knowledge in the key areas related to residential tenancy deposits.

STRUCTURE

- Unit 1: General Law, Health, Safety & Security in Relation to Residential Letting & Property Management (RLPM1)
- Unit 2: Legal Aspects of Lettings & Management (RLPM2)
- Unit 3: Handling, Protecting & Processing Residential Tenancy Deposits (RTDPM3)
- Unit 4: Returning Residential Tenancy Deposits & Dispute Resolution Procedures (RTDPM4)

ASSESSMENT GUIDANCE

Assessment Guidance is provided to amplify the learning objective and/or assessment criterion as relevant and enable national or industry specific information and requirements to be noted

OTHER INFORMATION

This qualification is NOT accepted for membership by ARLA Propertymark. If you have any queries regarding ARLA Propertymark membership, then please contact them.

QUALIFICATION SUMMARY AND KEY INFORMATION

Qualification title	Level Technical Award in Residential Tenancy Deposit Protections & Management (England & Wales)
QCF Qualification Number (QAN)	601/8454/1
Accreditation start date	26/02/2016
Approved age ranges	16 – 18 19 +
Credit value	12
Assessment	Onscreen assessment Paper based assessment under special circumstances and arrangements
Guided learning hours	120
Grading information	Pass or Fail
Entry requirements	n/a

QUALIFICATION UNITS

The unit titles and unit codes will appear at examination booking stage and on certification.

Propertymark Qualifications requires any candidate wishing to complete the Level 3 Technical Award in Residential Tenancy Deposit Protection and Management to complete the 4 units listed below. Once all 4 units have been successfully achieved, Propertymark Qualifications will provide certification for the full qualification.

Please Note: Units can be completed in any order

Unit Number	Unit Title	Unit Reference
1	General Law, Health, Safety & Security in Relation to Residential Letting & Property Management (RLPM1)	H/602/5471
About this unit		
<p>This unit is about knowing and understanding the general concepts of law relevant to an agent letting and managing residential property. It deals with the historical development and current concepts of the appropriate statute and common law to enable letting agents to understand and carry out their duties to colleagues, customers and the general public. Health, safety, security and discrimination matters are also covered including the legislation and best practice issues relevant to a letting agent in their duties within and outside their office when dealing with colleagues and customers and visiting residential properties.</p>		
Syllabus Letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
A, B	1. Understand Health and Safety at Work Act 1974 and security issues within and outside the workplace	1.1 Identify the duties of employers 1.2 Identify the duties of employees 1.3 Select correct procedures for carrying out a risk assessment for appointments and visits 1.4 Select appropriate procedures when securing property 1.5 Recognise a safe and secure set of procedures for dealing with keys 1.6 Identify how to ensure personal safety away from the office
C	2. Understand the general legal concepts relating to the provision of property service	2.1 Recognise the different divisions of the law 2.2 Distinguish between common law and equity 2.3 Identify the remedies available under the law
F	3. Understand the basic elements of the law of contract	3.1 Identify the element needed for a contract to exist 3.2 Interpret situations where a contract will have to come to an end 3.3 Select appropriate remedies where there is a breach of contract 3.4 Define the special requirements relating to contracts relating to land and property
G	4. Understand the basic elements of the law of tort	4.1 Identify the elements needed for liability to be proved 4.2 Recognise situations where vicarious liability may apply 4.3 Identify situation where occupiers' liability may be relevant
E	5. Understand the basic concepts of land law	5.1 Distinguish between the types of tenure 5.2 Identify the distinguishing features of rights over the land belonging to another person 5.3 Recognise situations where such a right may exist 5.4 Interpret when those rights will pass with property
H	6. Understand the basic concepts of discrimination	6.1 Identify what are protected characteristics 6.2 Analyse circumstances when discrimination may or may not arise 6.3 Identify appropriate remedies where discrimination has occurred
I	7. Understand the requirements of the Data Protection Act 1998	7.1 Recognise the data protection principles laid down in the legislation 7.2 Analyse situations to show compliance with data protection principles 7.3 Distinguish between those who can and who cannot be given protected data
J	8. Understand the requirements of the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007	8.1 Analyse situations that may be deemed suspicious 8.2 Illustrate the procedures needed to comply with the legislation 8.3 Understand legislative requirements for suspicious situations
D	9. Understand the common law duties of letting agents and agents' authority	9.1 Identify the common law duties owed to clients 9.2 Identify the duties that apply to customers 9.3 Differentiate between the different types of authority to act and the relevant obligations

Assessment Guidance

Unit 1 Syllabus Items (elements A-J)		Number of Questions 20
A	Health and Safety at Work Act 1974 and security issues relating to self and others both within the workplace and outside when dealing with appraisals, viewings and routine inspections	3
B	Safety and security issues on empty and occupied property, including dealing with keys and information	2
C	General legal concepts as they relate to the provision of letting and management services	3
D	Common law duties of an agent and their staff; authority including agent of necessity	
E	Basic land law: freehold, common-hold and leasehold; easements and covenants	2
F	Basic contract law: offer, acceptance and consideration	3
G	Tort: negligence, occupiers' liability and vicarious liability	2
H	Discrimination: age, sex, race, disability and other protected characteristics	2
I	Data Protection Act 1998	2
J	Proceeds of Crime Act 2002, Money Laundering Regulations 2007	1

Unit Number	Unit Title	Unit Reference
2	Legal Aspects of Letting & Management (RLPM2)	T/602/5474
About this unit		
This unit is about the law a letting agent needs to know that is specific to carrying out the letting and management of residential property. It deals with the common law duties and contract law relating to residential property letting and management. It stresses the importance of the agent knowing, understanding and complying with legislation concerned with the granting, administration, financial management and termination of the various types of residential tenancies.		
Syllabus Letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
A	1. Understand the legislation relating to leases and licenses	1.1 Summarise the essential features of a lease 1.2 Differentiate between a lease and a licence 1.3 Distinguish between leases for more than three years from those of three years or less
B, C, D	2. Understand the essential elements of the Housing Acts 1988 and 1996	2.1 Summarise the essential features of assured tenancies 2.2 Summarise the essential features of assured shorthold tenancies 2.3 Apply relevant criteria to determine when assured and assured shorthold tenancies can be used
E	3. Understand the essential elements of non-Housing Act 1988 tenancies	3.1 Summarise the essential features of Rent Act 1977 tenancies 3.2 Differentiate between market rents and fair rents 3.3 Summarise the essential features of contractual tenancies 3.4 Apply relevant criteria to a range of specific contractual tenancies such as company lets, holiday lets, resident landlord lets and premium leases
D, F, G	4. Understand the requirements for regaining possession of let property and the protection afforded by the Protection from Eviction Act 1977	4.1 Summarise the common law rules for regaining possession 4.2 Apply the common law rules for regaining possession to a range of different circumstances 4.3 Summarise the rules for regaining possession of Housing Act 1988 tenancies 4.4 Apply the rules for regaining possession of Housing Act 1988 tenancies to assured and assured shorthold tenancies 4.5 Summarise the rules for regaining possession of Rent Act 1977 tenancies 4.6 Apply the rules for regaining possession of Rent Act 1977 tenancies 4.7 Summarise the main protection given to tenants by the Protection from Eviction Act 1977 4.8 Implement the rules under the Protection from Eviction Act 1977 to a range of circumstances
H, I	5. Understand the requirement to give the landlord's name and address	5.1 Summarise the requirements of s47 Landlord and Tenant Act 1987 5.2 Summarise the requirements of s48 Landlord and Tenant Act 1987 5.3 Apply the requirements of s47 and s48 to a range of circumstances
O	6. Understand the key requirements of the Unfair Terms in Consumer Contracts Regulations	6.1 Identify situations where the legislation will apply 6.2 Differentiate between core terms, terms covering legislation and terms that are transparent and prominent 6.3 Apply rules to determine what is and what is not an unfair term
J	7. Understand the fitness standards for dwellings, the responsibility for repair and the workings of the Housing Health and Safety Rating System (HHSRS)	7.1 Summarise the requirements for a house to be deemed fit for human habitation 7.2 Apply legislation to determine landlords' repairing responsibilities 7.3 Apply legislation and common law to determine remedies available to landlords and tenants for disrepair 7.4 Summarise the main criteria relating to HHSRS 7.5 Apply HHSRS criteria to defined scenarios

K	8. Understand of legislation, common law and professional body guidance relating to fire and safety in let property	8.1 Summarise the requirements for fire safety in let property 8.2 Distinguish between the fire safety requirements for new and older property 8.3 Summarise the gas safety regulations relating to let property 8.4 Apply the gas safety regulations to defined scenarios 8.5 Differentiate between the landlord's and the agent's responsibilities 8.6 Extend procedures to the use of other fuels 8.7 Summarise the criteria for electrical safety in let property 8.8 Apply the electrical safety criteria to defined scenarios 8.9 Summarise the regulations concerning fire safety for furniture and furnishings 8.10 Differentiate between furniture and furnishings subject to the regulations and those not 8.11 Apply the furniture and furnishing fire safety regulations to defined scenarios 8.12 Apply the rules concerning deleterious materials
I, J, L	9. Understand the legislation relating to Houses in Multiple Occupation (HMOs)	9.1 Summarise the legislative test for determining a HMO 9.2 Apply the tests to determine if a property is a HMO 9.3 Summarise the basic standards HMOs must achieve under the HHSRS 9.4 Summarise the legislative powers of local authorities in relation to repair and licensing of HMOs 9.5 Apply the legislative powers of local authorities to determine action in a defined scenario relating to repair or licensing
M	10. Understand the legislation relating to tenancy deposit schemes	10.1 Summarise the legislative requirements for the holding of tenancy deposits 10.2 Distinguish between the procedures required to comply with custodial and insured schemes 10.3 Apply the tenancy deposit scheme legislation to defined scenarios
N, O	11. Understand a selection of consumer protection legislation	11.1 Summarise the legislative requirements of the Consumer Protection from Unfair Trading Regulations 2008 11.2 Apply the requirements of the Consumer Protection from Unfair Trading Regulations 2008 to defined scenarios 11.3 Summarise the legislative requirements of the Business Protection from Misleading Advertising Regulations 2008 11.4 Apply the requirements of the Business Protection from Misleading Advertising Regulations 2008 to defined scenarios 11.5 Summarise the constraints on agencies when dealing with applicants under the Accommodation Agencies Act 1953 11.6 Apply the legislation in the Accommodation Agencies Act 1953 to defines scenarios 11.7 Apply the requirements to give a cooling-off period to a range of situations where landlord instructions are taken
P	12. Understand the key requirements relating to Stamp Duty Land Tax (SDLT)	12.1 Summarise the main requirements relating to SDLT 12.2 Differentiate between SDLT on leases from that on premiums 12.3 Apply the regulations regarding SDLT to a range of typical lease situations
Q	13. Understand the main criteria relating to the regulation of insurance based activities	13.1 Summarise which insurance activities are regulated 13.2 Distinguish between insurance activities that are regulated from those that are not 13.3 Apply the insurance related regulations to range of defined scenarios
Assessment Guidance		

Unit 2 Syllabus Items (elements A-Q)		Number of Questions 20
A	Leases and licences	1
B	Oral, written and contracts made by deed	4
C	Implied terms e.g. quiet enjoyment	
D	Housing Act 1988 and Housing Act 1996: assured and assured short-hold tenancies	
E	Rent Act 1977, Non Housing Act 1988 tenancies: company lets, holiday lets, resident landlords, premium leases	1
F	Grounds for possession	2
G	Protection from Eviction Act 1977	
H	Other related legislation: s1 Landlord and Tenant Act 1985; s47 and 48 Landlord and Tenant Act 1987	1
I	Landlord and Tenant Act 1985 s11	1
J	Housing Act 2004 Part 1 Chapters 1, 2 and 3 in relation to housing health and safety rating system (HHSRS) and local authority enforcement procedures	1
K	Safety in properties: fire regulations; gas safety regulations; electrical regulations; furniture and furnishing regulations; legionella; deleterious materials	2
L	Housing Act 2004 houses in multiple occupations (HMOs): Part 7: meaning of houses in multiple occupation and Part 4: management Part 2: licensing, Part 3: selective licensing	2
M	Housing Act 2004 Part 6: tenancy deposit protection	1
N	Consumer Protection from Unfair Trading Regulations 2008 and Business Protection from Misleading Marketing Regulations 2008	1
O	Accommodation Agencies Act 1953; Unfair Terms in Consumer Contracts Regulations 1999; Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013	2
P	Stamp Duty Land Tax	1
Q	Consumer Credit Act 1974 in relation to the provision of financial services and advice within the lettings and management practice and Financial Services and Markets Act 2000	

Unit Number	Unit Title	Unit Reference
3	Handling, Protecting & Processing Residential Tenancy Deposits (RTDPM3)	H/508/1674
About this unit		
This unit is about understanding when a tenancy deposit must be protected and the ways in which protection can be provided. The unit also covers the processes that must be followed to enable protection. In addition, the unit looks at the requirements to record information relating to the condition of the property and the money held.		
Syllabus Letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
A	1. Understand the contents and purpose of an agent's terms of business and the obligations of an agent	1.1 Summarise standard terms contained in agency terms of business 1.2 Distinguish between standard agency services and additional agency services requiring additional fees 1.3 Summarise the obligations of an agent to applicants 1.4 Summarise the responsibilities of an agent to clients
B, C, D	2. Understand the general principles behind taking deposits and the types of deposits that may be taken	2.1 Summarise the requirements relating to the holding of clients' money 2.2 Summarise the main reasons for taking deposits 2.3 Identify the types of deposit that may be taken 2.4 Differentiate between deposits which do not require protection 2.5 Identify the persons from whom a deposit can be taken
E	3. Understand the different types of protection schemes available	3.1 Summarise the characteristics of a custodial system 3.2 Summarise the characteristics of an insurance scheme
F	4. Understand the process of taking deposits and supporting documentation that should be produced	4.1 Summarise the stages in the process of taking deposits and the time involved 4.2 Outline the documents that should be produced 4.3 Identify the penalties for non-compliance
G, H	5. Understand the procedures that must be followed before a tenant takes possession of a property	5.1 Evaluate the importance of an inventory/schedule of condition 5.2 Outline the process of producing an inventory/schedule of condition 5.3 Outline the stages involved in the check-in process
I	6. Understand the affect that changes to a tenancy can have on holding a deposit	6.1 Identify events that may affect the tenancy 6.2 Evaluate the impact of such changes
Assessment Guidance		

Unit 3 Syllabus Items (elements A-I)		Number of Questions 20
A	Agency terms of business: responsibility to clients; obligations to applicants	3
B	Taking clients' and relevant persons' money: holding deposits; tenancy deposits	2
C	Tenancy deposits not requiring protection. Managing deposits: stakeholder, agent for landlord	1
D	Tenancy deposits requiring protection. Managing deposits requiring protection	1
E	Types of schemes: custodial; insurance	3
F	Timescales and documentation requirements for protecting tenancy deposits and penalties for non-compliance	3
G	Recording the condition of the residential property	3
H	Check-in procedures	2
I	Managing changes impacting the deposit during a tenancy	2

Unit Number	Unit Title	Unit Reference
4	Returning Residential Tenancy Deposits & Dispute Resolution Procedures (RTDPM4)	K/508/1675

About this unit

This unit is about understanding the process of returning a deposit and when money can be withheld. It looks at the dispute resolution procedures available and the strengths and weaknesses of each. It also covers the preparation of a case and the importance of evidence. Finally, it looks at the decision and its consequences.

Syllabus Letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
A	1. Understand the procedures that must be followed when a tenant leaves a property	1.1 Outline the stages involved in the check-out process 1.2 Summarise the contents of a check-out report 1.3 Evaluate the importance of the process and the report
B, C, D	2. Understand the importance of the assessment of the condition of property at the end of a tenancy	2.1 Identify what is meant by dilapidations, damage and betterments 2.2 Outline the considerations involved in the assessment of the amount of deposit to be returned 2.3 Outline the process involved in informing the parties of the result of the assessment process 2.4 Identify the stages and strategy involved in negotiations 2.5 Outline the process of repaying/distributing the deposit 2.6 Identify when a dispute has arisen
E, F	3. Understand the range of dispute resolution processes available	3.1 Identify the main methods of dispute resolution 3.2 Evaluate the strengths and weaknesses of each of the methods 3.3 Determine when each method could be the most appropriate
G, H	4. Understand the process of dispute resolution	4.1 Outline what is meant by the burden of proof and the standard of proof 4.2 Outline what can be used as evidence 4.3 Identify the stages in presenting and defending a case 4.4 Apply the requirements to given situations
I	5. Understand the processes to be followed once a decision is given	5.1 Identify the range of decision available 5.2 Outline the process to be followed once a decision has been made 5.3 Outline how a decision can be implemented 5.4 Apply the information to given situations

Assessment Guidance

Unit 4 Syllabus Items (elements A-I)		Number of Questions 20
A	Check-out procedures and the role of the check-out report	2
B	Evaluating the return or distribution of the tenancy deposit: dilapidations, damage and betterment	3
C	Informing the parties and managing negotiations	1
D	Repaying and distributing a tenancy deposit or raising a dispute	2
E	Methods of dispute resolution: taking court action, alternative dispute resolution (ADR)	2
F	Non-responding parties and consent to alternative dispute resolution (ADR)	2
G	The requirement for evidence; burden of proof and standard of proof	3
H	Preparing your case and responding to the adjudicator	2
I	The decision of the adjudicator; payment and implementation	3

ASSESSMENT

The Propertymark Qualifications currently offers two methods of delivery for the assessment of Level 3 Technical Award in Residential Tenancy Deposit Protection and Management:

- Onscreen*
- Paper Based (Centres **ONLY**) - can only be considered under special circumstances and arrangements and can only be delivered at approved Propertymark Qualifications centres. Propertymark Qualifications will require 2 weeks' notice of any paper based examinations being completed. Centres should refer to the centre guidance document for further details.

***Disclaimer – Subject to availability of the test centre**

Unit 1: General Law, Health, Safety & Security in relation to Residential Letting & Property Management (RLPM1)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	May 2016
Pass Mark	70%

Unit 2: Legal Aspects of Letting & Property Management (RLPM2)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	May 2016
Pass Mark	70%

Unit 3: Handling, Protecting & Processing Residential Tenancy Deposits (RTDPM3)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	May 2016
Pass Mark	70%

Unit 4: Returning Residential Tenancy Deposits & Dispute Resolution Procedures (RTDPM4)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	May 2016
Pass Mark	70%

Individual Learners - Onscreen assessment (external assessment)

Individual candidates are required to complete all examinations at approved test centres. Each centre is fully compliant with the Propertymark Qualifications' policies and procedures.

The onscreen test may be taken at any time of the year by arrangement with the test centres.

All test centres offering onscreen assessment must comply with the Joint Council for Qualifications (JCQ) document Instruction's for the Conduct of Examinations (ICE).

Propertymark Qualifications offer over 150 test centre locations throughout the United Kingdom. To view the list of test centres available, please visit the Propertymark Qualifications website.

REGISTRATION AND CERTIFICATION

Individual Candidates

Candidates are required to register for the qualification and unit assessments by completing the online registration form on the Propertymark Qualifications website. Candidates will then receive a unique candidate number prefixed with a 'Q' and a password via email. This will enable the candidate to log into the Propertymark Qualifications website to view their profile and book examinations.

Candidates who achieve all four units of the qualification will receive:

- a qualification pass letter informing the candidate of the dates they achieved each unit within the qualification and percentage scored within 7 working days.
- a certificate giving the full qualification title and all units achieved within 20 working days.

Recognised Centres

Separate arrangements exist for candidate registration and certification for Recognised Centres.

Centre Administrators should refer to the Centre Guidance document for further information.

Candidates who are being entered for this qualification by an Propertymark Qualifications Recognised Centre should refer to their centre for guidance on registration and certification procedures.

REPLACEMENT CERTIFICATES

If a certificate of achievement is misplaced, lost or stolen and a replacement is required then the candidate will need to complete a Replacement Certificate Request form.

To complete the form, please visit the Propertymark Qualifications website.

ENQUIRIES AND APPEALS POLICY

The examination regulations of the Propertymark Qualifications make provision for Propertymark Qualifications learners to be enabled to make an enquiry and/or to appeal against a decision. The facility by which to do so is outlined in this procedure and it is important the procedure is followed in all situations.

To find out more, please visit the Propertymark Qualifications website.

EXEMPTION POLICY

Propertymark Qualifications recognises prior certificated qualifications equivalent to Propertymark Qualifications units for the Level 4 Certificates only. Propertymark Qualifications operates a Recognition of Prior Learning Policy and welcomes applicants for exemption based on comparable qualifications from recognised awarding bodies which satisfy the Propertymark Qualifications criteria for awarding exemptions.

To find out more, please visit the Propertymark Qualifications website.

LEARNING MATERIAL

Learning materials are available to support those preparing for Propertymark Qualifications assessments. For further information please visit the Propertymark Qualifications website.