

# propertymark QUALIFICATIONS

LEVEL 3 AWARD IN  
RESIDENTIAL LETTING AND PROPERTY MANAGEMENT  
(ENGLAND AND WALES)

QUALIFICATION SPECIFICATION

LIVE FROM JANUARY 2018

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## ABOUT PROPERTYMARK QUALIFICATIONS

Propertymark Qualifications 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 qualifications which are 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.

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## QUALIFICATION PURPOSE

The Level 3 Award in Residential Letting and Property Management is an introductory qualification ideal for candidates wanting to gain basic knowledge in the key areas related to Residential Lettings.

## STRUCTURE

- Health and Safety, Security and General Law (COM1)
- Legal Aspects of Letting and Management (RLPM2)
- Residential Property Letting Practice (RLPM3)
- Residential Property Management Practice (RLPM4)

## 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 accepted for membership by ARLA Propertymark. If you have any queries regarding ARLA Propertymark membership, then please contact them directly.

## QUALIFICATION SUMMARY AND KEY INFORMATION

<b>Qualification Number (QAN)</b>	601/2163/4
<b>Accreditation start date</b>	02/12/2013
<b>Approved age ranges</b>	16 – 18 19 +
<b>Assessment</b>	Onscreen assessment Paper based assessment under special circumstances and arrangements
<b>Total Qualification Time</b>	120
<b>Grading information</b>	Pass or Fail
<b>Entry requirements</b>	n/a

## QUALIFICATION UNITS

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

Candidates wishing to complete the Level 3 Award in Residential Letting and Property Management are required to pass the four units listed below. Once all four units have been passed, Propertymark Qualifications will provide certification for the full qualification. Units can be completed in any order.

Unit Code	Unit Title	Unit Reference
COM1	Health and Safety, Security and General Law	TBC
<p>This unit is about understanding the general concepts of law relevant to a property professional. It deals with the historical development of the law as well as current concepts, relevant statute and common law. It is designed to enable property professional understanding and carry out their duties to colleagues, customers and the general public. Health, safety and security issues are also covered including the legislation and best practice issues relevant to property professional in their duties within and outside their office when dealing with colleagues and customers and making necessary visits to other locations.</p>		
Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>	Assessment Guidance
1. Understand health and safety at work legislation and its relevance in and out of 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	Candidates in <b>England and Wales</b> should be familiar with the Health and Safety at Work etc. Act 1974.
2. Understand the issues around keeping safe when visiting property and maintaining a secure system when dealing with keys	2.1 Select appropriate procedures when securing property 2.2 Recognise a safe and secure set of procedures for dealing with keys 2.3 Identify how to ensure personal safety away from the office	
3. Understand the general legal concepts relating to the provision of property services	3.1 Recognise the different divisions of the law 3.2 Distinguish between common law and equity 3.3 Identify the remedies available under the law	
4. Understand the common law duties of agents and agents' authority	4.1 Identify the common law duties owed to clients 4.2 Identify the duties that apply to customers 4.3 Differentiate between the different types of authority to act and the relevant obligations	Candidates in <b>England and Wales</b> should be familiar with express authority, ratification, estoppel, agent of necessity.
5. Understand the basic elements of the law of contract	5.1 Identify the elements needed for a contract to exist 5.2 Interpret situations where a contract will have come to an end 5.3 Select appropriate remedies where there is a breach of contract 5.4 Identify the special requirements relating to contracts relating to land and property	Candidates in <b>England and Wales</b> should be familiar with: the formation of a contract (offer, acceptance, consideration); discharge of a contract (agreement and breach); Remedies (damages, specific performance, injunctions, rectification); and specific rules relating to contracts for the sale of land.
6. Understand the basic elements of liability outside the law of contract	6.1 Identify the elements needed for liability to be proved 6.2 Recognise situations where vicarious liability may apply 6.3 Identify situations where occupiers' liability may be relevant	Candidates in <b>England and Wales</b> should be familiar with negligence, occupiers' liability and vicarious liability.
7. Understand the basic concepts of land law	7.1 Distinguish between different rights to occupy 7.2 Identify the distinguishing features of rights over the land belonging to another person 7.3 Recognise situations where such a right may exist 7.4 Interpret when those rights will pass with property	Candidates in <b>England and Wales</b> should be familiar in the ways in which land can be held (freehold, <b>commonhold</b> , leasehold and licences) and be able to distinguish between agreements for more than 3 years from those of three years or less; rights over the land of others (easements and freehold covenants).

<p>8. Understand the basic concepts of discrimination.</p>	<p>8.1 Identify what are protected characteristics  8.2 Analyse the circumstances when discrimination may or may not occur  8.3 Select the appropriate remedies where discrimination has occurred</p>	<p>Candidates in <b>England and Wales</b> should be familiar with the current legislation Equality Act 2010.</p>
<p>9. Understand the requirements of the data protection legislation</p>	<p>9.1 Recognise the data protection principles laid down in the legislation  9.2 Analyse situations to show compliance with data protection principles  9.3 Distinguish between those who can and who cannot be given protected data</p>	<p>Candidates in <b>England and Wales</b> should be familiar with current data protection legislation.</p>
<p>10. Understand the requirements of the legislation dealing with the handling of money</p>	<p>10.1 Analyse situations that may be deemed suspicious  10.2 Identify the procedures needed to comply with the legislation  10.3 Apply legislative requirement to possible suspicious situations</p>	<p>Candidates in <b>England and Wales</b> should be familiar with the current legislation such as The Proceeds of Crime Act 2002 and Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.</p>

Unit Code	Unit Title	Unit Reference
RLPM2	Legal Aspects of Letting and Management	T/602/5474
<p>This unit concerns the law that is specific to carrying out the letting and management of residential property. It stresses the importance of the agent knowing, understanding and complying with common law and legislation concerned with the granting, administration, financial management and termination of the various types of residential tenancies.</p>		
Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The Candidate must:</i>	Assessment Guidance
1. Understand the common elements of agreements to occupy residential properties	1.1 Identify the different types of agreements for occupying residential property in the private rented sector 1.2 Differentiate between market rents and rents which are subject to control	Candidates in <b>England and Wales</b> should be familiar with Housing Act 1988 and Housing Act 1996, Rent Act 1977 and non-Housing Act 1988 tenancies and the different types of occupancy rights such as under or over 3 years and fair rents.
2. Understand the requirements for regaining possession of let property and the protection available to the occupier	2.1 Apply the common law rules for regaining possession to a range of different circumstances 2.2 Apply the rules for regaining possession under statute 2.3 Summarise the protections given to occupiers	Candidates in <b>England and Wales</b> should be familiar with Protection from Eviction Act 1977; Housing Act 1988, Rent Act 1977.
3. Understand the statutory regulations of landlords and agents	3.1 Identify the ways in which information must be provided to an occupier 3.2 Identify the methods of controlling the activities of landlords and agents	Candidates in <b>England and Wales</b> should be familiar with Codes of Practice; Landlord and Tenant Act 1985 s1; Landlord and Tenant Act 1987 s47 and s48.
4. Understand the fitness standards for dwellings and the responsibility for repair	4.1 Summarise the requirements for a residential property to be deemed fit for letting 4.2 Apply the legislation to determine a landlord's repairing responsibilities. 4.3 Apply legislation and common law to determine remedies available to landlords and occupiers for disrepair	Candidates in <b>England and Wales</b> should be familiar with Housing Act 2004 Part 1 Chapters 1, 2, 3 relating to Housing, Health and Safety Rating System (HHSRS) and local authority enforcement procedures.
5. Understand the requirements for safety in let property	5.1 Identify the matters that are covered by safety legislation and other guidance 5.2 Apply the relevant matters to a range of specific circumstances	Candidates in <b>England and Wales</b> should be familiar with safety in properties: fire regulations; gas safety regulations; electrical regulations; furniture and furnishing regulations; legionella and deleterious materials and be aware of the differences between landlord and agent responsibilities.
6. Understand the legislation relating to Houses in Multiple Occupation (HMOs)	6.1 Apply the legislative tests to determine if a property is a HMO 6.2 Apply the legislative powers of enforcement authorities to determine action in a defined scenario relating to repair or licensing	Candidates in <b>England and Wales</b> should be familiar with Housing Act 2004 (HMOs) Part 2,3,4,7 and in <b>England</b> local authorities
7. Understand the legal requirements relating to tenancy deposits	7.1 Interpret common law and statutory requirements covering the handling and protection of tenancy deposits	Candidates in <b>England and Wales</b> should be familiar with Housing Act 2004 Part 2 and tenancy deposit scheme legislation.
8. Understand consumer and business protection legislation applicable to residential letting	8.1 Apply the requirements of consumer and business protection legislation to define scenarios 8.2 Apply the requirements to give a cooling off period to a range of situations where landlord instructions are taken 8.3 Apply the rules to determine what is and what is/is not an unfair term.	Candidates in <b>England and Wales</b> should be familiar with Consumer Protection from Unfair Trading Regulations 2008 and Business Protection from Misleading Marketing Regulations 2008, Accommodation Agencies Act 1953; Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013; Consumer Rights Act 2015 Part 2.

9. Understand the key requirements of any transactional tax relating to residential property	9.1 Apply the regulations for transactional tax to a range of typical situations	Candidates in <b>England and Wales</b> should be familiar with the Stamp Duty Land Tax and Annual Tax on Enveloped Dwellings (ATED).
10. Understand the main criteria relating to the regulation of insurance based activities	10.1 Apply the insurance related regulations to range of defined scenarios	Candidates in England and Wales should be familiar with Consumer Credit Act 1974 and Financial Services and Markets Act 2000 and dealing with claims.

Unit Code	Unit Title	Unit Reference
<b>RLPM3</b>	<b>Residential Property Letting Practice</b>	<b>R/602/5479</b>

#### **About this unit**

This unit deals with how letting agents should conduct themselves when carrying out the letting of residential property in order to comply with all relevant statute, common law and principles of best practice. It covers the agent's actions within and outside the office when dealing with landlords, tenants and colleagues and visiting residential properties. It includes the appropriate practices an agent should adopt in the taking and confirming of clients' instructions, the finding of tenants and the preparation of appropriate documentation.

Learning Outcome <i>The Candidate should be able:</i>	Assessment Criteria <i>The Candidate must:</i>	Assessment Guidance
1. Understand the main principles of agency terms and agent's authority	1.1 Summarise standard agency services for introduction only, let and rent processing or a full management service 1.2 Distinguish between standard agency services and additional agency services requiring additional fees 1.3 Apply the legislation relating to 'To Let' boards to specified circumstances	<b>Candidates in England and Wales</b> should be familiar with the legislation relating to 'to let' boards to specified circumstances, express appointment, ratification, estoppel and agent of necessity.
2. Understand the market appraisal process and the main factors affecting property rental value	2.1 Summarise the factors affecting property value 2.2 Identify the information required about the property and the landlord 2.3 Summarise advice to landlords regarding insurance 2.4 Summarise factors related to finance, costs and tax in relation to buy-to-let property	<b>Candidates in England and Wales</b> should be familiar with supply and demand; energy performance certificate guidance; physical effects on value based on location, property type and condition; planning and building regulations; occupancy restrictions on value; comparable transactions; changes to the state of the market or time of sale and the requirements of the landlord.
3. Understand the requirements for energy performance certificates for let property	3.1 Summarise the rules for the provision of EPCs for property to let 3.2 Apply the criteria to determine if a property requires an EPC or not	<b>Candidates in England and Wales</b> should be familiar with current energy performance certificate guidance.
4. Understand the agent's responsibilities to the landlord and applicants	4.1 Apply the various common duties, codes of practice and legislation requirements to defined situations 4.2 Apply these duties to scenarios dealing with service and fee details, the need for client accounts, referencing, managing property and dealing with keys and security	<b>Candidates in England and Wales</b> should be familiar with consents; codes of practice and personal interests and connected persons.
5. Understand the requirements for dealing with offers and the referencing of applicants and guarantors	5.1 Summarise the process with dealing with offers 5.2 Identify any special requirements an applicant may have 5.3 Summarise the responsibilities of guarantors 5.4 Apply the obligations to consider reasonable adjustments in defined scenarios	<b>Candidates in England and Wales</b> should be familiar with the information that can and cannot be given to landlords.
6. Understand the process of preparing tenancy documentation	6.1 Identify the documents that are required when creating an occupational agreement	<b>Candidates in England and Wales</b> should be familiar with the common terms in tenancy agreements; terms in other

	<p>6.2 Summarise what clauses are required to protect the landlord's and tenant's interests and comply with common law legislation</p> <p>6.3 Clarify the information to be contained in inventories and schedules of condition</p> <p>6.4 Identify the information that must be given to an occupier</p>	documents relating to the letting; Consumer Rights Act 2015 Part 2; discrimination legislation; reasonable adjustments and the different types of tenancy agreements.
7. Understand the requirements of the housing benefit system and local housing allowance	<p>7.1 Apply the entitlement criteria to defined scenarios relating to housing benefit or local housing allowance</p> <p>7.2 Determine when housing benefit or local housing allowance can be clawed back and when it cannot</p>	
8. Understand the procedures to be followed when handing over a property to a new tenant	<p>8.1 Summarise the various information and documentation that should be given to relevant parties at the start of the tenancy</p> <p>8.2 Apply best practice when agency instructions are withdrawn and a new agent is appointed</p>	

Unit Code	Unit Title	Unit Reference
RLPM4	Residential Property Management Practice	Y/602/5483
<p>This unit deals with how letting agents should conduct themselves when carrying out the management of residential property in order to comply with all relevant statute, common law and principles of best practice. It covers the agent's actions within and outside the office when dealing with landlords, tenants and colleagues and visiting residential properties. It also includes dealing with repair and maintenance and the appointment of contractors related to residential properties and the problems associated with the management of let property and with any duties an agent may have after the end of a tenancy including dispute resolution procedures.</p>		
Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The Candidate must:</i>	Assessment Guidance
1. Understand client accounting procedures	1.1 Apply common law, codes of practice and contractual requirements to the processing of client monies 1.2 Identify practices and procedures for dealing with non-residential landlord monies 1.3 Apply best practice procedures to dealing with arrears	<b>Candidates in England and Wales</b> should be familiar with Finance Act 1995; common law and statutory requirements in the handling and protecting tenancy deposits and tax implications.
2. Understand the issues surrounding the management of repairs and maintenance of let property	2.1 Distinguish between the landlord's and the tenant's responsibilities in respect of repair to let property 2.2 Analyse contractual documents and warranties to determine responsibility for undertaking and paying for repairs and maintenance 2.3 Apply best practice when qualifying and instructing contractors 2.4 Summarise best practice relating to periodic visits of let property	
3. Understand the need for statutory consents relating to development	3.1 Apply correct criteria to determine if a particular consent is required 3.2 Apply the legislation relating to enforcement to defined circumstances	<b>Candidates in England and Wales</b> should be familiar with Town and Country Planning Act 1990; The Party Wall etc. Act 1996; Town and Country Planning (Control of Advertising) Regulations 2007 and restrictions relating to conservation areas and listed buildings;
4. Understand matters relating to breaches of tenancy agreements	4.1 Apply contractual and statutory procedures in order for action to be taken where a landlord or tenant is in breach	<b>Candidates in England and Wales</b> should be familiar with First Tier Tribunals
5. Understand the procedures to be followed when tenancy agreements are extended, renewed or terminated	5.1 Summarise the options available to a landlord when a tenancy agreement is coming to an end 5.2 Apply contractual and statutory procedures to bring a tenancy to an end 5.3 Apply contractual and legislative procedures relating to initiating and concluding rent reviews	<b>Candidates in England and Wales</b> should be familiar with the procedures to obtain possession at the end of a fixed term or during a periodic tenancy; protected or statutory tenancies; notice requirements for landlords and those for tenants; common law rules relating to date of service when issuing notices; conduct; possession procedure available to landlords.
6. Understand the legal provisions covering issues relating to damages at the end of a tenancy	6.1 Summarise the main contents of an inventory and schedule of condition report 6.2 Apply best practice and legal principles to the check-in and check-out procedures 6.3 Apply the common law provisions relating to fair, wear and tear to assessments of damage claims 6.4 Apply legislation and best practice to dealings with tenants' abandoned goods	

7. Understand the legislation relating to environmental matters.	7.1 Apply legislative provisions to seek remedies relating to environmental issues as they apply to a letting agent	<b>Candidates in England and Wales</b> should be familiar with the Noise Act 1996; Noise and Statutory Nuisance Act 1993 and the Environmental Protection Act 1990.
8. Understand best practice guidelines relating to dispute resolution	8.1 Distinguish between statutory and voluntary dispute resolution procedures 8.2 Summarise the powers and procedures of the redress schemes	<b>Candidates in England and Wales</b> should be familiar with the rules regarding hearings and appeals.

## ASSESSMENT

Propertymark Qualifications offers two methods of assessment:

- Onscreen assessment at a Pearson Vue Test Centre
- Paper Based assessment under special circumstances and arrangements at approved Propertymark Qualifications centres. Centres should refer to the centre guidance document for further details.

<b>Health and Safety, Security and General Law (COM1)</b>	
Assessment Details	Multiple Choice Exam 30 minutes
Number of questions	20
Assessment availability	On Demand
First assessment availability	January 2018
Pass Mark	70%

<b>Legal Aspects of Letting and Management (RLPM2)</b>	
Assessment Details	Multiple Choice Exam 30 minutes
Number of questions	20
Assessment availability	On Demand
First assessment availability	January 2018
Pass Mark	70%

<b>Residential Property Letting Practice (RLPM3)</b>	
Assessment Details	Multiple Choice Exam 30 minutes
Number of questions	20
Assessment availability	On Demand
First assessment availability	January 2018
Pass Mark	70%

<b>Residential Property Management Practice (RLPM4)</b>	
Assessment Details	Multiple Choice Exam 30 minutes
Number of questions	20
Assessment availability	On Demand
First assessment availability	January 2018
Pass Mark	70%

### **Individual Learners - Onscreen assessment (external assessment)**

Individual candidates are required to complete all examinations at approved test centres. Examinations 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). Each centre is fully compliant with the Propertymark Qualifications policies and procedures. 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 by completing the online registration form on the Propertymark Qualifications website. Once registered candidates will be able 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 ten working days.
- a certificate for the full qualification within 20 working days.

### Recognised Centres

Separate arrangements exist for candidate registration and certification at Recognised Centres. Centre Administrators should refer to the Centre Guidance document for further information.

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

## REPLACEMENT CERTIFICATES

If a certificate is misplaced, lost or stolen and a replacement is required then the candidate will need to complete a Replacement Certificate Request form. To complete this form please visit the Propertymark Qualifications website.

## ENQUIRIES AND APPEALS POLICY

Propertymark Qualifications make provision for candidates to make an enquiry into or appeal against an assessment decision. To find out more, please visit the Propertymark Qualifications website.

## EXEMPTION POLICY

Qualifications and units awarded by Propertymark Qualifications and other awarding bodies, where relevant, may be used to gain exemptions from units of qualifications offered by Propertymark Qualifications under certain circumstances. For further information please visit the Propertymark Qualifications website.

## LEARNING MATERIALS

Learning materials are available from third party suppliers. For further information please visit the Propertymark Qualifications website.