

propertymark QUALIFICATIONS

LEVEL 3 AWARD IN
RESIDENTIAL TENANCY DEPOSIT PROTECTION AND
MANAGEMENT
(ENGLAND AND WALES)

QUALIFICATION SPECIFICATION

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 Tenancy Deposit Protection and Management is an introductory qualification ideal for candidates wanting to gain basic knowledge in the key areas related to Residential Tenancy Deposit.

STRUCTURE

- Health and Safety, Security and General Law (COM1)
- Legal Aspects of Letting and Management (RLPM2)
- Handling, Protecting and Processing Residential Tenancy Deposits (RTDPM3)
- Returning Residential Tenancy Deposits and 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 **not** 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

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| Qualification Number (QAN) | 601/8454/1 |
| Accreditation start date | 26/02/2016 |
| Approved age ranges | 16 – 18 19 + |
| Assessment | Onscreen assessment Paper based assessment under special circumstances and arrangements |
| Total Qualification Time | 120 |
| Grading information | Pass or Fail |
| Entry requirements | 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 Tenancy Deposit Protection and 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 England and Wales 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 England and Wales 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 England and Wales 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 England and Wales 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 England and Wales should be familiar in the ways in which land can be held (freehold, commonhold , 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). |

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| 8. Understand the basic concepts of discrimination. | 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 | Candidates in England and Wales should be familiar with the current legislation Equality Act 2010. |
| 9. Understand the requirements of the data protection legislation | 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 | Candidates in England and Wales should be familiar with current data protection legislation. |
| 10. Understand the requirements of the legislation dealing with the handling of money | 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 | Candidates in England and Wales 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. |

| 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 England and Wales 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 England and Wales 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 England and Wales 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 England and Wales 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 England and Wales 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 England and Wales should be familiar with Housing Act 2004 (HMOs) Part 2,3,4,7 and in England 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 England and Wales 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 England and Wales 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. |

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| 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 England and Wales 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 |
|---|---|---|
| RTDPM3 | Handling, Protecting & Processing Residential Tenancy Deposits | H/508/1674 |
| <p>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.</p> | | |
| Learning Outcome <i>The Candidate should be able to:</i> | Assessment Criteria <i>The candidate must:</i> | Assessment Guidance |
| 1. Understand the contents and purpose of an agent's terms of business and the obligations of an agent | 1.1 Identify standard terms contained in agency terms of business 1.2 Distinguish between standard and additional agency services attracting additional costs 1.3 Identify the responsibilities of an agent to applicants and clients | Agency terms of business: responsibility to clients; obligations to applicants Agency services: introduction only, let and rent processing, full management service |
| 2. Understand the general principles behind taking deposits and the types of deposits that may be taken | 2.1 Identify the requirements relating to the holding of clients' money 2.2 Differentiate between deposits which do and do not require protection | Taking clients' and relevant persons' money: holding deposits; tenancy deposits Tenancy deposits not requiring protection. Managing deposits: stakeholder, agent for landlord Tenancy deposits requiring protection. Managing deposits requiring protection |
| 3. Understand the different types of protection schemes available | 3.1 Identify the characteristics of a custodial system 3.2 Identify the characteristics of an insurance scheme | Types of schemes: custodial; insurance |
| 4. Understand the process of taking deposits and the supporting documentation that should be issued | 4.1 Identify the stages in the process of taking deposits including the timescales involved 4.2 Identify the penalties for non-compliance | Deposits requiring protection: timescales and documentation requirements for protecting tenancy deposits and penalties for non-compliance Deposits not requiring protection: how held and deposit clause |
| 5. Understand the procedures that should be followed before a tenant takes possession of a property | 5.1 Recognise the importance of an inventory/schedule of condition 5.2 Identify the process of producing an inventory/schedule of condition 5.3 Identify the stages involved in the check-in process | Recording the condition of the residential property Check-in procedures |
| 6. Understand the effect that changes to a tenancy can have on holding a deposit | 6.1 Identify events that may affect the tenancy 6.2 Recognise the impact of such changes | Managing changes impacting the deposit during a tenancy |

| Unit Code | Unit Title | Unit Reference |
|---|---|--|
| RTDPM4 | Returning Residential Tenancy Deposits and Dispute Resolution Procedures | K/508/1675 |
| <p>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.</p> | | |
| Learning Outcome <i>The Candidate should be able to:</i> | Assessment Criteria <i>The candidate must:</i> | Assessment Guidance |
| 1. Understand the procedures that should be followed when a tenant leaves a property | 1.1 Identify the stages involved in the check-out process 1.2 Recognise the relevance of the check-out process | Check-out procedures and the role of the check-out report |
| 2. Understand the importance of assessing property condition at the end of a tenancy | 2.1 Identify the considerations involved in the assessment of the amount of deposit to be returned 2.2 Identify the stages and strategy involved in negotiations 2.3 Identify when a dispute has arisen 2.4 Outline the process for repaying/ distributing the deposit | Evaluating the return or distribution of the tenancy deposit: dilapidations, damage, betterment, fair wear and tear Informing the parties and managing negotiations Repaying and distributing a tenancy deposit or raising a dispute |
| 3. Understand the range of dispute resolution processes available | 3.1 Identify the main methods of dispute resolution 3.2 Recognise the strengths and weaknesses of each of the methods | Methods of dispute resolution: taking court action, alternative dispute resolution (ADR) Non-responding parties and consent to alternative dispute resolution (ADR) |
| 4. Understand the process of dispute resolution used by schemes | 4.1 Identify what is meant by the burden of proof and the standard of proof 4.2 Identify what can be used as evidence 4.3 Identify the stages in presenting a case | The requirement for evidence; burden of proof and standard of proof Preparing your case and responding to the adjudicator |
| 5. Understand the processes to be followed once a decision is given | 5.1 Identify the range of decisions available 5.2 Identify-the process to be followed once a decision has been made | The decision of the adjudicator; payment and implementation |

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.

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

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

| Handling, Protecting and Processing Residential Tenancy Deposits (RTDPM3) | |
|--|------------------------------------|
| Assessment Details | Multiple Choice Exam 30 minutes |
| Number of questions | 20 |
| Assessment availability | On Demand |
| First assessment availability | January 2018 |
| Pass Mark | 70% |

| Returning Residential Tenancy Deposits and Dispute Resolution Procedures (RTDPM4) | |
|--|------------------------------------|
| 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.