

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.

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

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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 and/or improve existing knowledge in the key areas related to residential tenancy deposit. This qualification would suit those who are currently working, or aspiring to work, as an Inventory Provider/Clerk.

STRUCTURE

- Unit 1: Health and Safety, Security and General Law (COM1)
- Unit 2: Legal Aspects of Letting and Management (RLPM2)
- Unit 3: Handling, Protecting and Processing Residential Tenancy Deposits (RTDPM3)
- Unit 4: 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.

QUALIFICATION RECOGNITION

This qualification can fulfil part of the criteria to join various professional bodies and meet requirements of industry licensing schemes.

QUALIFICATION SUMMARY AND KEY INFORMATION

Approved age ranges	16 – 18 19 +
Assessment	Onscreen assessment Paper based assessment under special circumstances and arrangements
Total Qualification Time	120 hours
Grading information	Pass or Fail
Entry requirements	n/a

ASSESSMENT GUIDANCE UPDATES

Assessment guidance has been refreshed and updated as of October 2020, to provide further direction supporting your studies towards the required learning outcomes and assessment criteria. Please note that you will not be assessed on temporary legislation due to COVID-19:

Unit	Learning outcome	Update	Version
1 (COM1)	8	Equality Act 2018 - Added	v1.2 Oct 2020
1 (COM1)	9	Data Protection Act 2018 - Added	v1.2 Oct 2020
2 (RLPM2)	3	Fees: Restrictions - Added	v1.2 Oct 2020

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	L/616/8270
<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 <i>The candidate should be familiar with:</i>
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	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	Civil/criminal; public/private. Damages, specific performance, injunctions, rectification, rescission.
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	Express authority, ratification, personal bar, 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	Formation of a contract: offer, acceptance, consideration. Discharge of a contract: agreement and breach. Remedies: damages, specific performance, injunctions, rectification rescission. Land and property: contracts that must be in writing; contracts that must be by deed.
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	Law of tort: negligence, occupiers' liability, 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	Freehold, commonhold, leasehold, licences. Easements, freehold covenants.
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	Equality Act 2010.

<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>Data Protection Act 2018.</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>Proceeds of Crime Act 2002, 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
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.		
Learning Outcome <i>The candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>	Assessment Guidance <i>The candidate should be familiar with:</i>
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	Housing Act 1988, Housing Act 1996, Rent Act 1977, non-Housing Act 1988 tenancies. Different types of occupancy rights licences, leases for 3 years or less, leases for more than 3 years 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	Effluxion of time. Notice to Quit. Housing Act 1988: s8 and grounds for possession, s21 (Form 6A). Rent Act 1977: cases for possession. Protection from Eviction 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	Accommodation Agencies Act 1953 Section 1 of the Landlord and Tenant Act 1985. Sections 47 and 48 of the Landlord and Tenant Act 1987. Codes of Practice. Fees: restrictions; display. Rogue landlords and agents. Client money protection. Wales: Housing (Wales) Act 2014. The Regulation of Private rented Housing (Training Requirements) (Wales) Regulations 2015. Code of Practice for landlords and agents licensed under Part 1 of the Housing (Wales) Act 2014.
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	Energy Performance Certificate (EPC). Minimum energy efficiency standard. Part 1 of the Housing Act 2004: Housing, Health and Safety Rating System (HHSRS). Local authority enforcement procedures. England: Homes (Fitness for Human Habitation) Act 2018.
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	Safety in properties: fire regulations; gas safety regulations; electrical regulations; furniture and furnishing regulations; legionella and deleterious materials (asbestos). 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 an HMO 6.2 Apply the legislative powers of enforcement authorities to determine action in a defined scenario relating to repair or licensing	Parts 2,3,4, and 7 of the Housing Act 2004 Houses in Multiple Occupation (HMO) Local authority enforcement procedures. Housing Act 2016.
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	Tenancy deposit schemes, client money protection.

<p>8. Understand consumer and business protection legislation applicable to residential letting</p>	<p>8.1 Apply the requirements of consumer and business protection legislation to define scenarios</p> <p>8.2 Apply the requirements to give a cooling off period to a range of situations where landlord instructions are taken</p> <p>8.3 Apply the rules to determine what is and what is/is not an unfair term</p>	<p>Consumer Protection from Unfair Trading Regulations 2008, Business Protection from Misleading Marketing Regulations 2008. Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013; Part 2 of the Consumer Rights Act 2015.</p>
<p>9. Understand the key requirements of any transactional tax relating to residential property</p>	<p>9.1 Apply the regulations for transactional tax to a range of typical situations</p>	<p>England: Stamp Duty Land Tax. Wales: Land Transaction Tax. Annual Tax on Enveloped Dwellings (ATED).</p>
<p>10. Understand the main criteria relating to the regulation of insurance based activities</p>	<p>10.1 Apply the insurance related regulations to range of defined scenarios</p>	<p>Financial Services and Markets Act 2000, Consumer Credit Act 1974. Handling claims.</p>

Unit Code	Unit Title	Unit Reference
RTDPM3	Handling, Protecting and 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 <i>The candidate should be familiar with:</i>
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 services: introduction only, let and rent processing, full management service. Wales: Housing (Wales) Act 2014. The Regulation of Private rented Housing (Training Requirements) (Wales) Regulations 2015.
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. Clients' account and client money protection. Managing deposits: stakeholder, agent for landlord. Wales: Housing (Wales) Act 2014.
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	
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. 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	
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	Change of landlord. Change of tenant/sharers. Change to the property. Change of scheme. Change to the party holding the deposit. Alterations to the tenancy agreement.

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 <i>The candidate should be familiar with:</i>
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	
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	Dilapidations, damage, betterment, fair wear and tear. Timescales for repaying and distributing a tenancy deposit.
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	Mediation/conciliation. Adjudication. Independent expert. Arbitration. Litigation. Non-responding parties.
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	
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	

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 exams 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 exams 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 exams 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 exams 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 enrol and register for the qualification by completing the online enrolment form on the Propertymark Qualifications website. Once enrolled and the registration has been approved, 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 10 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 guidance on these procedures.

REPLACEMENT CERTIFICATES

If a certificate has been misplaced, lost or stolen and a replacement is required, candidates will need to complete a Replacement Certificate Request form which can be found on 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. For further information, 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.