

Guidance for Operation of Student Accommodation in Administration or Receivership (Administration) (Revised)

Introduction

The ANUK/Unipol National Codes were designed to provide students with some transparency in terms of the business relationships that they were entering into with their accommodation provider, as well as some reassurances that the accommodation will be both safe and well managed. Therefore, in situations where a provider who is a member of these Codes is placed into Administration or enters into Receivership, it is important that some clear guidelines are followed.

The National Codes' Committee of Management has agreed and endorsed the following guidance for situations where an existing member of either of the ANUK/Code for Non-Educational establishments finds themselves in Administration or Receivership.

Guidance

Executors of an Administration or Receivership will:

1. be required to provide assurances that all contracts entered into with tenants living within the development/s belonging to the company/ies that have been placed into Administration will be honoured;
- 2) ensure that if any payments that have been made by students ahead of a contract taking effect are protected in an independently held fund or held in escrow to secure them in any eventuality;
- 3) permit the National Codes Administrator (NCA) to arrange for verification visits to be made to one or more of any developments effected by administration to ensure that levels of service mandated by the National Codes, and offered by the provider who has been placed into administration, are in no way compromised or reduced as a result of the administration process;
- 4) at the point administrative arrangements come into effect, the administrator/s should release a pre-prepared statement that is designed to address issues of operational transition and provide appropriate contact details to respond to contractual and operational issues of the residents and their parents/guardians;
- 5) provide the National Codes Administrator with a list of the developments which are affected by the administration process, along with details of all management companies which they have engaged to take over the day to day operations of these developments;
- 6) throughout the period of Administration, notify the NCA of any changes that take place within the administrative arrangements within 48 hours;

Should the relevant Administrators/Receivers fail to respond in a manner deemed to be in-line with this guidance, the development/provider they have been appointed to deal with will be suspended from membership of the relevant Code, and that action would be reported to all regulatory authorities as well as all relevant educational establishments. It is therefore likely that, going forward, this action might have some adverse financial implications for the Administrators/Receivers.

As soon as the NCA is informed that a member of the Code has been placed in Administration or Receivership, members of the Codes Consortium will be informed and a date and time for a conference call will be agreed, to take place no more than 5 working days after notification.

The Codes Consortium consists of representatives of the Accreditation Network UK (ANUK), the National Union of Students (NUS) and Unipol Student Homes.

The Codes Consortium will discuss the details of the administration/receivership and determine the precise nature of the assurances that they require, as well as any additional actions that they might require to be undertaken, in order for the accommodation concerned to either remain accredited Or to be re-accredited under the Code.

The Codes Consortium, in consultation with the Chair of the Committee of Management, will decide on the time span within which these assurances should be given and/or arrangements for visits made, with the guiding principle that any unnecessary delay in responding should result in immediate suspension from the Codes until such assurances are given. The NCA will make contact with all relevant parties within two working days to inform them of the outcomes.