

## ANNEX 1 - Determination of Whether a development is Managed and Controlled by an Educational Establishment

Many larger student accommodation developments are undertaken in partnership between a provider of services and an educational establishment. As a result of this it can be difficult to determine whether a building is being managed and controlled by the educational establishment or by the private provider. In order to discover who the building is managed and controlled by, a framework of test questions has been developed.

12 questions are asked: the answer can be yes, responsible, no, not responsible or both are responsible. The answer to each question attracts the number of points, as follows:

Marketing	1 point
Rent Collection	1 point
Tenancy	6 points
Hard FM	2 points
Soft FM	
Cleaning	1 point
Security	1 point
Repairs	1 point
Health and Safety Routines	1 point
Out of Hours Services	1 point
Tenancy Relations	2 points
Residential Cover	1 point

The points are loaded to reflect the importance of each item as determining control and management.

There are a total of 18 points in all. The headings are scored according to an educational establishment or another provider. Whoever has the higher score determines who has control and management of the building.

**For a worked example of the method of determination see below.**

### **Guidelines on Questions**

The term “*educational establishment*” means just that and “*provider*” means an organisation other than the educational establishment providing the duties and services.

*Marketing* - reflects who is responsible for promoting and letting the building. If the development is an underwritten or formal nominations arrangement this would clearly be the educational establishment. Informal arrangements between educational establishments and a private supplier, where the supplier is also marketing the building directly would result in marketing being undertaken by the provider.

*Rent Collection* - reflects who collects the rent.

*Tenancy* - This reflects who the student tenant signs their tenancy with, the educational establishment or another provider. This is an important matter since it sets the legal framework for the whole letting.

*HardFM* - means the maintenance and replacement of the infrastructure of the building and its associated plant/equipment and buildings systems and can extend to the estate where the building is situated (including grounds and gardens).

*Soft FM* - means the services that are provided to the students occupying the building. There are seven questions related to aspects of those services:

*Cleaning* - who undertakes the cleaning, either of the residences or the communal areas

*Security* - who undertakes the security, particularly out of hours security. Often this work is shared between a provider and an educational establishment, in which case points would be awarded to both

*Repairs* - who undertakes any day to day repairs within the building

*Health and Safety Routines* - who is responsible for health and safety routines: testing fire alarms, servicing safety equipment, undertaking a risk analysis of the building

*Out of Hours Services* - who would deal with out of hours emergencies in respect of the building, for example, a power outage, a plumbing leak. This does not cover out of hours services to students offered under tenancy relations or residential cover

*Tenancy Relations* - who would deal with tenant issues and support, for example, students wishing to leave, inter-tenant friction, noise and anti social behaviour, mental health problems

*Residential Cover* - who provides over night residential cover to deal with tenant issues that occur overnight. This excludes security related matters dealt with above.

Further guidance can be obtained from the Code Administrator at any time before applying the test questions above.

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Name of  
Development / Area

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	Available	Who	Provider	Points	Educational Establishments	Points
<b>Marketing</b>	1	Both	Yes	1	Yes	1
<b>Rent Collection</b>	1	Both	Yes	1	Yes	1
<b>Tenancy</b>	6	Both	Yes	6	Yes	6
<b>Hard FM</b>	2	Both	Yes	2	Yes	2
<b>Soft FM</b>						
Cleaning	1	Both	Yes	1	Yes	1
Security	1	Both	Yes	1	Yes	1
Repairs	1	Both	Yes	1	Yes	1
Health and Safety Routines	1	Both	Yes	1	Yes	1
Out of Hours Services	1	Both	Yes	1	Yes	1
<b>Tenancy Relations</b>	2	Both	Yes	2	Yes	2
<b>Residential Cover</b>	1	Both	Yes	1	Yes	1
<b>Total Points</b>				<b>18</b>		<b>18</b>

The educational establishment manages and controls a development only if it scores the most points