

Assured shorthold tenancies for schools... let them have it!

26 June 2023

When letting property, it's important to ensure the right legal requirements are ticked off at the start, to avoid problems later. [Peter Jackson](#) and [Emma Stafford](#) provide a checklist of matters not to be missed.

It is not uncommon for schools to have residential houses on site, usually occupied by members of staff, but sometimes by private tenants.

While members of staff required to live on site to perform their duties will usually occupy under a service occupancy agreement, other residential occupiers will occupy under an assured shorthold tenancy (often referred to as an "AST"), just like the tenant of any other landlord.

It is important that, at the point an AST is granted, the correct formalities are carefully observed. This will prevent schools or trusts being in breach of their legal duties as landlord, and will also prevent common difficulties later on, should they ever wish to regain possession of the property.

Here's a handy checklist of the legal points to cover when granting an AST:

- Ensure you keep a signed and dated copy of the tenancy agreement
- The government's 'How to Rent' checklist, must be provided to the tenant
- A valid gas safety certificate for the property should be in place and provided to the tenant or left at the property
 - (On a related point, further gas safety certificates must be provided annually).
- A valid energy performance certificate (EPC) should be in place and provided to the tenant, keep evidence that a copy was sent
- If you take a deposit, there are some hoops to jump through:
 - The deposit must be kept in an authorised tenancy deposit scheme. (Letting agents should be able to assist)
 - Keep a copy of the deposit protection certificate, confirming the date that the deposit was protected
 - Information about the deposit, and where it is kept, must be provided to the tenant within 30 days of receipt of the deposit
- If you receive any notices from the tenant or the Local Authority relating to the condition of the property, these must be dealt with and a copy retained.

Documents should be provided to the tenant in hard copy, unless the tenant has specifically agreed to provision by email. (Where they have agreed to email, make sure you keep evidence!).

Keep an accurate file so that these items are ready to hand. This will prevent many common problems should you ever have issues with the tenancy or need to regain possession of the site.

Finally, you should ensure that all of these matters are in hand before attempting to serve notice to regain possession of a house or flat. If in any doubt, seek legal advice, so that your notice is valid, and you face no avoidable delays.

If you have further questions on property letting, or on any other real estate matters, please contact [Peter Jackson](#) or [Emma Stafford](#), who'll be glad to help.

Key contacts

Peter Jackson

Principal Associate

peter.jackson@brownejacobson.com

+44 (0)330 045 2886

Related expertise

Sectors

Academy trusts and schools

Education

Real estate and construction