

'Right to rent' draft code of practice for landlords: avoiding unlawful discrimination and Landlord's guide to right to rent checks
Feedback from Propertymark
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Background

1. Propertymark is the UK's leading professional body for estate and letting agents, property inventory service providers, commercial agents, auctioneers and valuers, comprising over 19,000 members representing over 12,800 branches¹. We are member-led with a Board which is made up of practicing agents, and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Overview - 'Right to rent' draft code of practice for landlords: avoiding unlawful discrimination

2. The Home Office has released a new Draft Code of Practice for landlords of the Right to Rent and how to avoid unlawful discrimination when conducting checks on people trying to access the private rented sector, which sits alongside the Code of practice on right to rent: Right to Rent Scheme for landlords and their agents. The Right to Rent was established to ensure that only those with the correct immigration documentation can access rented accommodation, currently it is only in practice in England. It is the responsibility of the landlord or letting agent to conduct these checks by logging in through a specialised government online portal which will use identification to ensure the tenant is who they say they are and that they have the correct immigration documents in place.
3. The Code of Practice was originally published alongside the Immigration Act 2014, to help landlords and agents understand their responsibilities under the legislation, it was last updated in March 2024. This additional code of practice helps landlords and agents navigate the Act while also adhering to the Equality Act 2010 and avoiding racial discrimination, when conducting these checks. The consultation is looking for comments on certain changes to the Code of Practice which update the terminology and modern schemes such as Digital Verification Services (DVS).

Feedback - Anti-discrimination guidance

4. **Changes to the Discrimination code of practice include:**
 - **Terminology updates to include the different types of working arrangements for which right to work checks are required.**
 - **Updates to terminology (for example a digital check using Identity Validation Technology (IDVT) via the service of an Identity Service Provider (IDSP) is now known together as Digital Verification Services (DVS).**
 - **Mandating the use of certified Digital Verification services (DVS) providers, where these are used to carry out a right to rent check.**

¹ [The professional body for the property sector | Propertymark](#)

- **Updates to eVisas references clarifying that prospective tenants should not be treated less favourably based on how they evidence their right to rent (for example, using their eVisa to provide a share code via the Home Office online checking service or using original documents where these are permitted).**
 - **Clearer guidance on tenants with time-limited right to rent, including that they should not be treated less favourably once they have demonstrated their right to rent (even where follow-up checks may be required).**
 - **Updated guidance on tenants who provide a combination of acceptable documents from List A, Group 2 (for example, a driving licence with a UK birth certificate) and clarifies that they must not be treated less favourably than those who provide a passport.**
 - **Updates signposting to support and advice routes.**
5. In formulating this response, we have sought the views of Propertymark member agents who work directly with tenants and landlords and use Right to Rent checks on a daily basis. As of 1 October 2014, it is a legal requirement for lettings agents and property managers in England to join a UK Government approved redress scheme. These schemes are designed to ensure that property agents provide a good level of service and enable tenants to have a channel to direct complaints to if necessary. In order to be part of a redress scheme agents must adhere to their code of practice and general membership obligations, within both schemes' guidelines' property agents must not discriminate against individuals under any protected characteristics of the Equality Act 2010, this includes giving more or less favourable treatment based on those characteristics. This demonstrates that property agents are already familiar with acting within discrimination law and acting with impartiality.
6. There is clear consensus that this type of guidance for the right to rent is welcome to assist landlords and agents in making checks and establishing a statutory excuse. Discrimination in any form has no place in the private rented sector and ensuring that agents have an understanding of how to conduct checks without undue bias or preconceptions is important. However, there are some areas where members think the guidance could be clearer and more concise.
7. The guidance clearly sets out where discrimination could be made in the private rented sector, there are instances listed in which an agent or landlord may inadvertently discriminate against a potential tenant, such as where they are asking for documentation which the tenant cannot provide. The guidance explains that the landlord or agent should approach each case with its own merits and consider information provided, whether that be online or digital. There are also instances where a landlord or agent may make assumptions about a tenant's nationality and they assume that the tenant has or does not have the right to rent in the UK, it is made clear that this is not acceptable and all tenants should be treated equally without prejudice.
8. Right to rent checks are inherently complex and require a selection of information which may not always be immediately evident or available. In many cases the check can be completed easily if the tenant has the correct documentation at the right time, however this is not always

the case and Propertymark agents have said that they are unsure when to request further information from the tenant or the Home Office. For example, an agent told us that when documents are still with the Home Office this can cause confusion, they said “we are unsure whether we or the applicant should be requesting the Home Office Right to Rent check”.

9. When looking at the guidance provided, many agents told us that visual aids would be more beneficial to them, they felt that the use of flow diagrams or decision trees would enable landlords and agents conducting checks to quickly and easily confirm that they are doing checks correctly. One particular section where a flow chart would be of benefit is when a tenant no longer has a Right to Rent and it needs to be reported to the Home Office. A clear breakdown of what needs to be completed and the timescales would help the agent or landlord make quick decisions and clearly set out their responsibilities, ensuring the Home Office can take action where necessary. Other suggestions include a visual aid to work out what type of document the tenant needs to provide or whether the check should be online or manual.
10. Creating a visual aid such as a clear flow chart to demonstrate which check should be conducted for whom would benefit both tenants and landlords or agents. This would reduce any discrimination, directly or indirectly, by eliminating any misinterpretation of the process. A particular example of this presenting an issue is where there are multiple tenants who may hold different statuses, for example where a family is made up of mixed adults of different levels of settled status.
11. One Propertymark member agent said “I think the guidance would be much easier to follow if there were simple flow diagrams or decision trees. Something that walks you through the process step by step like:
 - What type of document/status does the tenant have?
 - Should the check be online or manual?
 - Do you need to diarise a follow-up check?
 - How to spot fraud documents in branch.”
12. Real-life examples or case studies provide another useful tool for agents and landlords to use, helping them to understand common scenarios such as tenants who are sharing a property and moving in at different times or students with time-limited visas. The Code of Guidance does provide examples such as to explain indirect discrimination, but the examples do not give real-world explanations and can be confusing and wordy. Simpler, more concise examples would benefit landlords and agents who do not have time or expertise to study the definitions.
13. Overall, the language used in the anti-discrimination guidance is clear and concise, but real-life examples and visual aids would benefit agents and landlords who are trying to use the guidance in varying scenarios on a daily basis.

Overview - Landlord's guide to right to rent checks

What currently works well in the guidance and should be retained. Where users struggle most, for example:

- **points of confusion or misinterpretation**
- **duplication or unnecessary complexity**
- **areas where the “next step” is unclear**

What would make the biggest difference in practice, such as:

- **clearer flow diagrams or decision trees**
- **worked examples or case studies**
- **shorter “at a glance” summaries alongside fuller guidance**

Who the guidance should primarily be written for (e.g. small landlords, large letting agents, professional advisers) and whether different formats are needed for different audiences

14. The Right to Rent guidance provides a useful tool for landlords and agents who are conducting checks, this is a vital part of their role which is legally required and can result in a penalty if not done correctly. Therefore, it is important that landlords and agents understand the information presented to them and can use the guidance in an effective and efficient way.

When consulting with Propertymark members we found two common issues:

- Firstly, that the guidance is too long and wordy, a simplified, easy to read guide would be welcomed with the more detailed guidance used when further clarity is needed.
- Secondly, we represent property agents who work on behalf of landlords and conduct these checks where the landlord is not involved in the lettings process. The guidance is not explicitly clear on the role of an agent as a representative of a landlord and further information or clarification on this would be beneficial.

15. Propertymark agents told us that the Right to Rent guidance is too long, and taking into account additional guidance, such as the one mentioned above on the avoidance of discrimination, means that there is a significant amount of information that agents need to know. One Propertymark member agent from Romford said: “The current guidance being 77 pages is quite a lot for something staff need to use practically day to day. A shorter quick-reference version or checklist alongside the full guidance would probably make it much easier for both landlords and agents to follow correctly.” Although we agree that detail is required to ensure that the law is adhered to and that those completing right to rent checks know their full responsibilities, a short, easy-read guide for daily use would be welcomed.

16. A simplified version of the guidance, using the visual aids and real-life examples mentioned above, would be a useful guide for agents and landlords to use. We are often told that agents are unsure which documentation is required and they spend a lot of time searching through lists, unsure if they have obtained the right information. The best solution would be a simple flowchart or smart online questionnaire which would allow those conducting checks to click through and get the answers based on the information they can input.

17. Secondly, Propertymark represents 19,000 property agents with nearly half of our members operating as letting agents in England. They offer a range of services from finding tenants,

ongoing rent collection to full property management. In recent months, our data shows that on average there were 4.5 new property instructions for fully managed tenancies each month in our member branches. This indicates a rise in the number of agents managing all aspects of the tenancy and shows that there is a requirement for letting agents to have suitable knowledge and training on lettings legislation, including the right to rent. Furthermore, the number of tenants registering with each of our member branches remains high, the average number of new registrations per member branch was 80 in February 2026.² This presents a significant number of potential tenants who need to have right to rent checks, many of which will be done by agents on behalf of landlords.

18. We have found that there is a lack of information in the guidance relating to letting agents or other representatives who work on behalf of landlords. It is clear that ultimately the responsibility is with the landlord who owns and lets the property, but where the management of the tenancy is delegated to another source such as a letting agent there is a lack of clarity. One agent said, "I think there is a need for agent-focused areas to help us make quick decisions, how and where to record the right to rent check information and documents, what liability we hold as agents on behalf of the landlord." Another agent made a similar comment: "The guidance is written mainly for landlords, but in reality, agents are often the ones actually carrying out the checks. It would be helpful if there was a section that was a bit more agent-focused, particularly around responsibilities, record keeping and what happens when the landlord has asked the agent to carry out the checks on their behalf."
19. Propertymark recognises that there are a number of ways in which an agent or landlord could employ indirect discrimination when completing right to rent checks, not least because of the complexity of the system, however our members are conscientious, accredited and educated to a high standard, they demonstrate that there is a need for agents to receive proper training. This is best achieved through regulation of the property sector where it would be mandated for agents to receive a minimum level of training and ongoing professional development in order to keep up with changes in legislation and maintain a minimum level of expertise. Currently, there is no requirement to hold a qualification to work as a letting agent and anyone can set up a lettings agency without any prior experience. By professionalising the sector it would improve standards, decrease poor practice such as discrimination and further protect tenants' rights.