

Code of Recommended Practice for Deposit Protection

Frequently asked questions



What is the TDS Code of Recommended Practice for Deposit Protection?

The Code captures those ‘best practice’ requirements which we would like TDS members to follow in their dealings with tenancies and deposits. Our aim is essentially to capture in an easy to understand statement those steps which, taken together, should help improve practices for dealing with tenancy deposits – and reduce disputes.

The Code forms part of TDS’ strategies to raise standards in the private rented sector, and is also designed to help members and tenants resolve more disputes themselves, saving the time and trouble of sending unnecessary disputes to TDS.



Is it compulsory for TDS members to follow it?

As a best practice guide, TDS will encourage members to work to it. TDS will only formally enforce existing requirements in the TDS scheme rules but does reserve the right in the future to make compliance a membership requirement.

The Code covers those ‘best practice’ requirements which are already covered by TDS’ existing guidance and advice. As such, it does not introduce any new requirements, but simply captures them all in one place. TDS will continue to offer members guidance and advice on how best to meet these requirements.



Aren't there already Codes of Practice to cover this?

In preparing our Code, we have been mindful of existing – and much more substantial – Codes. Our intention is not to compete with or supersede anything in these or what their parent organisations currently seek to achieve. We see our Code as complementing existing Codes and activities. Looking at it another way, a TDS Code might be considered as a form of ‘charter’ for what can be expected from a TDS member.

TDS has consulted with The Property Ombudsman, Propertymark and the Royal Institution of Chartered Surveyors (RICS) on the content of the Code.



What if I want to make a complaint about a member not following the Code?

TDS is not an ombudsman or property redress scheme, and is not able to ‘order’ redress against members e.g. apologies, remedial action, payment of compensation. TDS can however refer complainants to relevant bodies such as The Property Ombudsman, Ombudsman Services: Property, The Property Redress Scheme, Propertymark or RICS where complaints may also be covered under those organisation’s codes.



If a member does not follow the Code does this automatically mean I get my deposit back?

When dealing with deposit dispute adjudications, TDS will still be obliged to base its decisions on the merits of the evidence presented, as is currently the case. A breach of the TDS Recommended Code will not in itself mean that a member’s claim for a deposit deduction fails.