

Inventory Clerk

Training and Business Guide

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Legal requirements and safety regulations

A guide to the legal requirements and safety regulations the Inventory Clerks need to be aware of when conducting property inspections and creating reports. We are going to look at the general duty of care as well as the electrical, gas, fire and furniture safety regulations for rental properties.

Duty of care

Duty of care is a legal obligation of every individual. It requires that they take a reasonable care while performing any acts that could foreseeably harm others. A failure to take such care can result in liability to pay damages to the person who is injured or suffers loss.

The Landlord

It is the Landlord's responsibility to make sure the property and its content are safe and comply with all relevant regulations. The Letting Agents have a duty to inform and advise their clients about all regulations for residential properties. The Landlord has duty of care:

- To make sure the property is fit for human habitation;
- To maintain the property in good order – to do any repairs to the structure and the main services;
- To provide safe appliances – if they are not safe and something happens the Landlord is responsible;
- To remove any items that are damaged and may be dangerous;
- To make sure smoke and carbon monoxide detectors, fire extinguishers and other safety equipment are in good working order;
- To provide window keys;
- To provide manuals for all appliances – if the Landlord doesn't provide and they break because the tenant doesn't use them appropriately – the Tenant cannot be held responsible;
- To make sure the property and its content comply with all relevant regulations.

The Inventory Clerk

The Inventory Clerk has a general duty of care when carrying out work. It means that he must:

- Prepare accurate reports and be fair to all parties;
- Report immediately anything that is unsafe and potentially dangerous – everything that might injure other people or damage the property.

The Inventory Clerk has to show it to the Tenant at the Check-in and inform in person and by email the Agent/Landlord immediately after the inspection of the property.

A failure to report might result in a civil action and even a criminal action against the Inventory Clerk.

Electrical Safety in Rental Property

There is no legal requirement for Landlords or Agents to have Electrical Safety Checks carried out by a qualified electrician on the electrical system or appliances in the property. However under The Landlord and Tenant Act 1985, The Housing Act 2004, The Electrical Equipment (Safety) Regulations 1994, and the Plugs and Sockets (Safety) Regulations 1994 there is an obligation to ensure that all electrical equipment is safe. Failure to comply with the Electrical Equipment (Safety) Regulations 1994 and The Consumer Protection Act 1987 is a criminal offence.

Part P (2005) of the Building Regulations makes it a requirement for certain types of electrical work in dwellings, plus garages, sheds, greenhouses and outbuilding to comply with the standards. This means a competent electrician must carry out the work.

In the case of commercial property and houses in multiple occupation there is a statutory duty under the Regulatory Reform Fire Safety Order 2005 for the responsible person (the property manager) to carry out annual Fire Safety Risk Assessments, which include electrical safety risks.

The Landlord

The Landlord must ensure that:

- The electrical system, appliances and equipment (fixed or portable) are safe at the start of every tenancy and maintained in a safe condition throughout the tenancy. Safety includes the lead.
- Any new installations or repairs are certified (except very minor – e.g. replacing bulbs).
- All plugs are sleeved and fitted with the correct fuse.
- All the appliances supplied in a property after 1st January 1997 are be marked with appropriate CE symbol.
- The tenants are given copies of operating and safety instructions (manuals) for all electrical equipment (or the instructions must be shown on the appliance) and safety warning notices are supplied with the appliances.
- The tenants know the location of and have access to the main consumer unit, fuses and isolator switch.

There is currently no statutory obligation for Landlords and Agents to have annual Electrical Safety Checks on electrical equipment as there is with gas. Still it is advisable to do so as if any electrical fittings or appliances within the rental property cause harm to a tenant the Landlord could be held liable.

Tasks the Inventory Clerk is expected to carry out

The Inventory Clerk doesn't have to be an expert in fabrics, woods, materials, antiques etc., nor a qualified surveyor, electrician or gas engineer. He describes fixtures, fittings and items in layman's terms so they can be easily identified.

Still the Inventory Clerk is expected to have the standard of skills and knowledge expected of a person in the profession. He should be able to compile an accurate Inventory and prepare an unbiased Check-In/Check-Out report. He should have the basic knowledge in order to produce accurate, detailed and comprehensive reports on the contents and condition of the properties.

The Inventory Clerk is expected to carry out jobs in an objective, fair and impartial manner. This means he should not have any financial ties with cleaning, maintenance or other property contractors. Also he should disclose if he has any vested interest prior to accepting a commission in the property or any ties with the parties.

The Inventory Clerk must provide details of his Professional Indemnity and Public Liability insurance on request.

The Inventory report becomes a part of the contract between the Landlord and the Tenant and the Inventory Clerk must make sure his reports:

- Are laid in logical manner,
- Provide an accurate record of the condition and the contents of the property at the start and at the end of the tenancy,
- Leaves enough space next to each item for further comments,
- Describes the contents for an easy identification.

The Inventory Clerk should be aware of the legal requirements and safety regulations for rented properties.

The Inventory clerk is expected to:

- List keys
- Take meter readings for the utilities (electricity, water, gas)
- Check whether or not relevant items have safety labels
- Check light bulbs
- Note if the telephone is connected or not
- Describe the condition of the property and list fully all the contents
- Ensure the property is left secure (all windows & doors locked, burglary alarm switched on if connected)

Tenancy Deposit Scheme

The Tenants in the private sector give their Landlords a deposit against possible non-payment of rent or damage to property. The deposit is an amount equal to one or two months rent. When a tenancy comes to an end the deposit has to be returned to the Tenants. In some cases the Landlord might wish to keep the deposit (all or only part of it) to cover him for unpaid rent, cleaning, missing furniture or damage to the property. The Tenants might accept the deductions or they might disagree that the Landlord should keep all or part of their deposit.

The Housing Act 2004 made provision for both the protection of tenancy deposits and the resolution of disputes over their return. The legislation came into effect on 6 April 2007. Since then all deposits taken for Assured Shorthold Tenancies have had to be covered by a tenancy deposit protection scheme.

Tenancy deposit protection (TDP) schemes guarantee that tenants will get their deposits back at the end of the tenancy, if they meet the terms of the tenancy agreement and do not damage the property.

The three approved by the government schemes are:

- Deposit Protection Service (DPS) (www.depositprotection.com)
- My Deposits (www.mydeposits.co.uk)
- Tenancy Deposit Scheme (TDS) (www.tds.gb.com)

Landlords should find out the following details from their TDP scheme provider:

- Name and contact details of the scheme
- Contact details for the scheme's dispute resolution service
- How to apply for the deposit's release
- What to do if the landlord or tenant can't be contacted at the end of the tenancy
- How the deposit is protected

Within 14 days of receiving the Tenants' deposits, Landlords must give this information to the Tenants, together with the:

- The address of the rented property and the amount of deposit paid
- The Landlord's or Letting Agency's name and contact details
- The name and contact details of any third party that has paid the deposit
- Items or services covered by the deposit
- The circumstances under which the landlord will be able to retain some or all of the deposit
- What to do if there is a dispute over how much deposit should be returned

Getting ready for the property inspection

Receiving an instruction to do a job. Obtaining the necessary information about the job.

Usually the Agent will give you (the Inventory Clerk) a call to check if you are available to do the job on a specific date. If it's your first job for this Agent they might ask you about the price – if unsure get as much information about the property as possible (how many bedrooms, flat or house, furnished or unfurnished) and ask if you could call them back in few minutes.

Once you accept the instruction, it is a good idea to e-mail the Agent to collect more information about the job. It's not easy to get the address over the phone especially when you are traveling or you are with clients.

It is important to add disclaimers to all your emails, since this can help protect you from liability.

Sample e-mail:

Dear (name of the Agent),

Further to our conversation please confirm the following:

- 1. The Job: (Inventory / Inventory & Check-In / Check-In only / Check-Out)*
- 2. Full address of the property:*
- 3. Date:*
- 4. Time:*
- 5. Property: 1-, 2-, 3-Bed, Furnished/Heavily Furnished/Unfurnished?*
- 6. Additional rooms: (e.g. Dining Room, Second Reception, Conservatory, Utility Room, Garage, Pantry, Family Room, Study, Guest Toilet etc.)*
- 7. Keys: (the office we have to pick up the keys from)*
- 8. Tenant's Name & mobile number:*
- 9. Please provide information if water/gas/electricity meters are in places difficult to allocate:*

If you have any questions please do not hesitate to contact us.

Best regards,

Sarah

Sample Inventories

Tel:

Mob:

E-mail:

www.

Disclaimer

The Job: (Inventory / Inventory & Check-In / Check-In only / Check-Out)

You need to make sure what inspection exactly the Agent instructs you to do on the date they book:

Inventory-make only

Check-in only on previously done by you or by another clerk Inventory – if the Inventory was done by another clerk you have to obtain information: when was done; are there many changes to the property ever since; you will need the Agent to send you in advance an electronic copy or at least 2 hardcopies which you can collect from his office before the visit to the property.

Inventory & Check-In at the same time – this would mean you have to inspect the property first in order to collect all the information you need to compile the Inventory later on. And then you will have to Check-in the new Tenants. You have to be at the property to do the inspection some time (1-2 hours depending on the size of the property) before the Tenants' arrival. Once they arrive you do the Check-in

Check-Out – you have to speak with the Tenants (and confirm by e-mail after) as soon as you are instructed to make sure they are aware the property must be ready for the Check-out procedure when you arrive. It happens quite often the Inventory clerk to arrive for the Check-out to find the Tenants still packing their belongings or just starting with the cleaning. In a situation like that you won't be able to do a proper inspection. You'll have to wait hours and it might take you most of a day just hanging around and trying to do bits and pieces.

In such cases the best thing to do is to abort the visit. Still you can avoid all this by making sure in advance the Tenant knows what is expected of him at the Check-Out.

Again if the Inventory and the Check-in was done by another clerk, you will need the Agent to provide in advance an electronic copy or at least 2 hardcopies of the reports.

Full address of the property

Make sure to check the location on the map in advance. If it is a new development it might not be on the maps yet. Check the general location and when you go to the Agent's office to pick up the keys ask for further directions. Think about your safety – if the property is in an area you don't think it's safe change the time of the appointment to make sure you are done and leave before it gets dark.

Date

Everybody gets wrong the date sometimes. When confirming the appointment it is a good idea to check what day of the week it is and to put it in the e-mail to the Agent as well. E.g. 2nd March 2011, Wednesday. All Agents are closed on Sundays so you might have to pick up the keys the day before or they just gave you the wrong date.

Using a voice recorder for dictation of reports

You can buy a good voice recorder for about £20. Many mobile phones nowadays have a built-in voice recorder. Using it is pretty simple.

Try to use your voice recorder from the very first property inspection. In the beginning you might find it difficult to give descriptions as soon as you see the objects and at the same time as you inspect them. The more you practice using a voice recorder to dictate your reports the easier it gets and the quicker you become doing the property inspections.

You can take general photos of each room and photos of some items if you don't know what they are called. These photos can help you prepare your reports later on. But at the same time taking many photos will only slow you down so try to keep it to a minimum.

Dictation Guide

- You use the recorder at the property when doing the property inspection. You have to follow the same order you use during the inspection as when dictating your notes.

- Follow consistent pattern within the property – clearly state the area/room you start to inspect.

- Follow consistent order within the individual rooms:

Door

Ceiling

Fittings to ceiling

Walls

Windows and curtains

Flooring

Items fitted to walls (sockets, wall lamps, pictures, mirrors etc.)

Items standing on floor in order determined by clerk

Items within items such as glasses, tablemats etc.

- Describe each item and immediately after give a description of its condition. Example: "Walls – Painted cream emulsion over plaster. Several light scuffs mid to low level of wall next to door. Few fingerprints to mid level on each side of the window. Few small marks to mid level to wall opposite the bed."
- State clearly the name of the area especially when there are more than one – e.g. Bedroom 1, Bedroom 2 etc.

Order of the inspection – Part 1

Arrival and entry in the property. Listing keys.

Check if the keys and fobs are working and list them. List the number of keys, their use (building doors, lower lock, top lock), and manufacturer. List all keys provided by the Agent or found in the property – window keys, letter box keys, balcony, garden, garage keys etc. If the door has more than one lock you have to specify the lock the keys are for. Example:

Number of keys: 2 x keys

Manufacturer: 1 x Asec & 1 x Yale

Use: Front door of the flat

Number of keys: 2 x keys

Manufacturer: Union

Use: Front door of the flat (bottom lock)

Number of keys: 2 x fobs

Manufacturer: PAC

Use: Development doors

Meter readings

It is expected from the Inventory Clerk to take utility meter readings. In the reports have to be noted the location of the meter, the serial number and the reading. In the past few years some Agents require a photo of each meter to be inserted next to the reading.

Example:

METER	LOCATION	SERIAL NO	READING
Electricity	In a cupboard on the same floor as the flat.	L72A 38644	41106
Water	In the pavement – the nearest to the front door of the building meter.	94M079334	Not taken. Heavy condensation to inside of the lid of the meter. Lid cannot be lifted.
Gas	In the Kitchen in the cupboard under the sink.	2006: 460588	00669,23