



Home Office

Code of Practice for Landlords and their Agents

Avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented sector

1 October 2026

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1.Introduction

The Right to Rent Scheme (“the Scheme”) was introduced to ensure only those lawfully present in the UK can access the private rented sector, and to prevent exploitation of vulnerable migrants by unscrupulous landlords and letting agents. It helps to ensure that individuals without the right to be in the UK cannot establish a settled life here.

The Scheme currently applies only in England. All landlords and their agents in England have a responsibility to prevent those without lawful immigration status from accessing the private rented sector by carrying out right to rent checks on all prospective adult tenants before the start date of a tenancy agreement. Landlords who rent residential premises to adults without carrying out the required checks may be liable for a civil penalty.

The purpose of this code of practice is to ensure that landlords and letting agents do not unlawfully discriminate, contrary to the Equality Act 2010, when conducting right to rent checks.

The Code provides practical guidance on what landlords and letting agents should or should not do to avoiding unlawful discrimination when fulfilling obligations under the Immigration Act 2014. The Code applies to landlords and letting agents who act on behalf of landlords.

This is a statutory code that has been approved by the Secretary of State and laid before Parliament. This code of practice has been issued under section 33 of the Immigration Act 2014. While discrimination can take various forms, this code specifically focuses on avoiding race discrimination. As required by section 33(3) (a), the Equality and Human Rights Commission has been consulted regarding the contents of this code.

This discrimination code of practice has been issued alongside a [code of practice on right to rent civil penalty scheme for landlords and their agents](#)

For further information about how to conduct a right to rent checks, you can refer to the <https://www.gov.uk/government/publications/landlords-guide-to-right-to-rent-checks>

References

Throughout this code of practice, the Equality Act 2010 is referred to as ‘the 2010 Act’.

‘Civil penalty’ or ‘penalty’ means a financial penalty imposed by the Home Office on a landlord or letting agent who has allowed a tenant to occupy private rented residential accommodation when they do not have the right to rent.

‘Digital verification service provider (DVSP)’ is a service provider that enables people to digitally prove who they are, information about themselves or their eligibility to do something. Right to rent DVSPs are registered and can be used by landlords

and letting agents to conduct digital right to rent checks on holders of relevant DVSP documents, and facial recognition checks according to the [Right to Rent Office of Digital Identity and Attributes Framework supplementary code](#).

‘Document’ means an original document which may include a digital document, where specified.

‘Equality and Human Rights Commission (EHRC)’ is the statutory body responsible for promoting and enforcing equality and human rights law in Great Britain, including taking action in relation to unlawful discrimination under the Equality Act 2010.

‘Equality Advisory Support Service (EASS)’ is a government funded service which provides free advice and support to individuals on issues relating to discrimination and human rights.

‘eVisa’ is an online record provided by the Home Office of a person’s immigration status and the conditions of their permission to enter or stay in the UK.

‘Harassment’ is unwanted conduct related to a protected characteristic that violates someone’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

‘[Home Office Landlord Checking Service \(LCS\)](#)’ refers to the enquiry and service operated by the Home Office that landlords are required to contact in certain circumstances to check whether a person has a right to rent.

‘Home Office online checking service’ means the online service which allows landlords to check whether a person is allowed to rent in England. This system is accessible for landlords on the [Check a tenant’s right to rent in England: use their share code](#) page on GOV.UK. No other online portal relating to immigration status may be used instead for right to rent checks.

‘Immigration Act 2014’ is the primary legislation which establishes the Right to Rent Scheme. It sets out landlords’ duties to carry out right to rent checks and the civil penalty regime for non-compliance.

‘Landlord’ means a person who lets accommodation for use by one or more adults as their only or main home. This includes people who take in lodgers and tenants who are sub-letting. References to ‘landlord’ also include agents who have accepted responsibility for complying with the Scheme on behalf of landlords, except for when agents are specifically and separately referred to.

‘Permission to Enter’ also known as **‘Leave to Enter’** immigration documents and guidance may refer to either term, both are acceptable. This means that a person has permission from the Home Office to enter the UK.

‘Permission to rent’ means permission allowed for a time limited period by the Secretary of State for a person to occupy premises under a tenancy agreement, who is disqualified from renting by virtue of their immigration status.

‘Permission to Stay’ also known as **‘Leave to Remain’** immigration documents and guidance may refer to either term, both are acceptable. This means that a person has permission from the Home Office to remain in the UK for a specified period.

‘Protected characteristics’ Are the characteristics protected under the Equality Act 2010, on the basis of which discrimination is prohibited. These include age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, among others.

‘Residential tenancy agreement’ means an arrangement in any form (whether or not in writing) between parties that grants a right to occupy premises for residential use and provides for the payment of rent.

‘Right to rent’ means allowed to occupy privately rented residential accommodation in England by virtue of qualifying immigration status.

‘Right to rent civil penalty scheme for landlords and their agents – Code of Practice’ is a statutory code of practice issued under the Immigration Act 2014 which explains the civil penalty regime and how landlords and agents can establish a statutory excuse.

‘Schedule 3 to the Immigration Act 2014’ sets out the types of residential tenancy agreements that are excluded from the right to rent requirements.

‘Settlement’ previously known as Indefinite Leave to Enter/Indefinite Leave to Remain means that a person has permission from the Home Office to be in the UK indefinitely.

‘Statutory excuse’ refers to a landlord or letting agents defence against payment of a civil penalty, which can be obtained where they carry out prescribed right to rent checks.

‘Tenant’ means the person or persons to whom the residential tenancy agreement is granted.

Who is this code of practice relevant for

This version of the code of practice applies to residential tenancy agreements commencing on or after 1 October 2026 in England only. It also applies where a follow up check on an existing tenant is required to be carried out on or after 1 October 2026 to retain a statutory excuse.

Summary of changes in this code of practice

- Updated to reflect digital right to rent checks, including the Home Office online service, eVisas and RtR DVSPs.
- Strengthened guidance on equal treatment regardless of how the right to rent is evidenced.

- Clarified use of the Landlord Checking Service (LCS) where required.
- Reinforced that those with time limited right to rent must not be treated less favourably.
- Added clearer provisions to ensure individuals are not disadvantaged where digital services cannot be accessed.
- Updated for alignment with current legislation, terminology and guidance, and to confirm application from 1 October 2026.

2.What is discrimination?

The Equality Act 2010 (the 2010 Act) prohibits discrimination and other unlawful acts in letting practices on the following grounds, known as 'protected characteristics':

- age
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The protected characteristic of race includes skin colour, nationality or ethnic or national origins. For the 2010 Act, 'race' includes colour, nationality (including citizenship) and ethnic or national origins.

The Immigration Act 2014, as the legislative framework for the Right to Rent Scheme, mandates that this code directly addresses the 2010 Act so far as relating to race and race discrimination (section 33(1)(a)). Therefore, the following section will focus on race discrimination. However, landlords should take steps to ensure they do not discriminate on any other protected characteristic, as listed above.

Direct discrimination

This is when an individual is treated worse than another person or people because either:

- they have a protected characteristic
- someone thinks they have a protected characteristic (known as discrimination by perception)
- they are connected to someone with that protected characteristic (known as discrimination by association).

Unless there is a statutory exception, direct discrimination cannot be excused or defended.

For example, in relation to right to rent checks, direct discrimination would include:

- Rejecting prospective tenants because they do not have British citizenship or another specified citizenship.
- Refusing to consider any international tenants or only carry out checks on a person believed to not be British citizens on the basis of the individual's colour, ethnic or national origins.

As stated in the 2010 Act, race can mean an individual's colour or nationality. It can also mean an individual's ethnic or national origins, which may not be the same as their current nationality. Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race. Members of particular religious groups, such as Jews and Sikhs, also form racial groups for the purposes of equality law.

Indirect discrimination

Indirect discrimination is where:

- there is a policy that applies in the same way irrespective of protected characteristics but disadvantages a group of people who share a protected characteristic, and
- an individual is disadvantaged as part of this group.

This will be unlawful, unless the provision, criteria or practice is objectively justifiable (proportionate and necessary). It makes no difference whether anyone intended the policy to disadvantage an individual or not.

For example, indirect discrimination in the context of right to rent checks could occur:

- where there is a requirement that a prospective tenant must have been resident in the UK for over five years, as migrants are less likely to be able to meet the requirement than UK citizens even if they have a right to rent.
- where there is a requirement that the accommodation is only to be rented by members of a particular occupation, in which specific ethnic groups are over or underrepresented, unless there is a justifiable reason why the accommodation should only be occupied by members of that occupation.

Under the 2010 Act, discrimination committed by someone acting on a person's behalf (such as a letting agent or property manager) may also be treated as having been committed by that person. Landlords and letting agents can avoid this liability if they can prove that they took all reasonable steps to prevent such discrimination. It is also unlawful to instruct or induce another person to discriminate or to publish an advertisement or notice that indicates an intention to discriminate.

Unlawful discrimination in letting and sub-letting a property

When landlords or letting agents decide who should be offered rented residential accommodation they must not discriminate:

- (a) in the terms on which the accommodation is offered.
- (b) by refusing to offer the accommodation.
- (c) in their treatment of persons seeking the accommodation (including the way in which right to rent checks are carried out).

The 2010 Act also includes provisions concerning withholding permission to sell, let or sub-let accommodation and the management of premises (including the treatment of tenants). It makes it unlawful for a person whose permission is needed to sell, let or sub-let a property to discriminate against or victimise another person by withholding that permission, or harassing someone who seeks that permission or someone to whom the property would be sold or let if permission were given. It also makes it unlawful for a person who manages premises to discriminate against, victimise or harass an occupier or to harass someone who seeks to occupy the premises.

Harassment and victimisation

Landlords and letting agents must not subject prospective or existing tenants to harassment under the terms of the 2010 Act. In respect of premises, the harassment provisions do not apply to sexual orientation or religion and belief. But harassment on these grounds would very likely amount to unlawful direct discrimination.

It should also be noted that it is unlawful to victimise a person because it is believed they have done, intend to do, or might do, a 'protected act'. A protected act can be anything done for the purposes of or in connection with the 2010 Act, such as making or supporting a complaint of discrimination, bringing legal proceedings, providing information, evidence or statements.

It is also unlawful to instruct or induce another person to discriminate or to publish an advertisement or notice that indicates an intention to discriminate.

3.How to avoid discrimination?

The best way for landlords and letting agents to avoid discrimination when carrying out right to rent checks is to treat all prospective tenants fairly and consistently, using criteria and practices that are appropriate and necessary.

To avoid discrimination under the Right to Rent Scheme, landlords and letting agents should:

- be consistent in how they conduct right to rent checks on all prospective tenants, including those who the landlord believes are more likely to be British citizens.

- ensure no prospective tenants are discouraged or excluded, either directly or indirectly, because of known or perceived protected characteristic.
- ensure that any automated or digital checking processes do not introduce or result in discriminatory outcomes.

Furthermore, landlords and letting agents should not:

- discriminate when conducting right to rent checks
- simply check the status of those who the landlord thinks appear or are likely to be migrants.
- treat those with a time-limited right to rent more or less favourably
- treat individuals inconsistently on account of how they evidence their right to rent, and must not favour those whose status is easier to verify
- make assumptions about a person's right to rent, or their immigration status on the basis of their colour, nationality, ethnic or national origins, accent or length of time they have been resident in the UK.

A landlord who discriminates, contrary to the 2010 Act in the way in which right to rent checks are carried out may be subject to a discrimination claim in court. The Equality and Human Rights Commission can take action against a landlord who publishes a discriminatory advertisement or who instructs or induces another person to discriminate.

Fair letting practices for those with an entitlement to rent in England

The Home Office informs migrants in the UK about right to rent checks and how they can prepare for them when leave is granted. Landlords and letting agents can support this by letting prospective tenants know that checks will be required and signposting the guidance available on GOV.UK.

When advertising a property, landlords may state that all prospective tenants need to complete right to rent checks. To avoid discriminatory practices landlords and letting agents should ensure that every prospective tenant is asked to provide evidence of their right to rent, not just some.

Where landlords and letting agents provide information to prospective tenants, such as supplying an information pack, they may also remind them that the successful tenant, or short-listed tenants, will be required to evidence their right to rent.

There are three types of right to rent check: a Home Office online check, a manual document-based check, or the use of a RtR DVSP where permitted. Landlords and letting agents should use the appropriate checking route depending on the circumstances. Any of these checks, as set out in the [Landlord's guide to right to rent checks](#) and the [Code of practice on right to rent: civil penalty scheme for landlords and their agents](#) will provide the landlord or letting agent with a statutory excuse.

If the landlord or letting agent is carrying out right to rent checks on one applicant, they should make sure they check all tenants being considered at that stage.

Tenants with a time-limited right to rent

Prospective tenants must not be treated less favourably because of how they choose to produce acceptable documents or their eVisa showing a time-limited right to rent. Once an individual with time-limited permission has demonstrated their initial and ongoing entitlement to rent, they should be treated the same as any other tenant, even if further checks are required later.

It is possible for a migrant to apply to extend their permission to stay. If they do so before their previous permission expires, they continue to have any right to rent that they previously held while their application and any associated administrative review or appeal is outstanding. If the tenant cannot provide acceptable documents or a share code, while their application or appeal is considered, landlords and their letting agents can request a Home Office right to rent check from the [Landlord Checking Service \(LCS\) by using an online form](#). Failing to conduct a check in this way where it is needed could result in the landlord or letting agent acting in a discriminatory manner.

Type of right to rent check

Depending on the documents they hold, some individuals can use the Home Office online service, while others cannot. Neither group should be discriminated against or treated differently.

Landlords and letting agents must not discriminate based upon the type of right to rent check which is required. For instance, a British or Irish citizen may decide that they do not want to use a RtR DVSP for digital identity verification and present physical documents instead. This choice must not lead to less favourable treatment.

Prospective tenants should not be treated more or less favourably if they have an eVisa. Landlords and letting agents cannot, for example, insist on digital evidence and refuse to carry out manual checks on those who cannot use the Home Office online checking service.

Tenants who provide a combination of documents from List A, Group 2

Acceptable documents for establishing a statutory excuse when conducting a manual right to rent check are detailed in List A and List B in the [Landlord's guide to right to rent checks](#). Landlords and letting agents should not treat a prospective tenant more or less favourably because they provide a combination of acceptable documents from List A, Group 2 (for example a driving licence with a long UK birth certificate) rather than a passport. There should be no need to ask further questions about a prospective tenant's immigration status where it is clear that they have permission to stay in the UK. Any subsequent further checks need only establish that the tenant is still here with permission.

Tenants who cannot evidence their right to rent

Subject to business requirements, landlords and letting agents should, where possible, keep the offer of accommodation open for a reasonable period to give the prospective tenant the opportunity to produce documents that demonstrate their right to rent.

Where an individual is unable to evidence their right to rent, the landlord should use the [Home Office Landlord Checking Service \(LCS\)](#) where this is the appropriate route in order to establish a statutory excuse. Individuals must not be treated less favourably because a different right to rent checking route is required.

The LCS will respond to the request to confirm whether the individual has the right to rent with a clear 'yes' or 'no'. [Further information](#) on how to contact the LCS is available in our guidance products on GOV.UK.

4.If you need more information

The Equality and Human Rights Commission ([EHRC](#)) provides further information on matters relating to the law on discrimination:

Further information on the Right to Rent Scheme:

- [Code of practice on right to rent: civil penalty scheme for landlords and their agents.](#)
- [Landlords guide to right to rent checks](#)
- [A guide to documents for right to rent checks- Easy Read](#)
- [Right to rent checks: A user guide for tenants and landlords](#)

Advice for landlords and tenants in the private rented sector:

- GOV.UK guidance on [private renting](#):
- GOV.UK guidance for [landlords on renting out a property](#):

Information for tenants

You should not be offended if a landlord or letting agent asks you to evidence your right to rent. Landlords and letting agents are expected to conduct right to rent checks on all prospective tenants. By performing the checks and keeping records, landlords protect themselves from a civil penalty if they inadvertently rent to someone who is in the UK unlawfully. The checks are not intended to do anything other than ensuring that only those with lawful status in the UK and have a permission to rent are able to access the private rented sector.

How you evidence your right to rent may vary depending on your nationality or immigration status. If you hold a UK or Irish passport (Irish passport card) or you have access to the Home Office online checking service, the landlord is unlikely to require further documents. For documents that are encountered less frequently, the landlord

might need to make further checks, by consulting guidance or contacting the Home Office to verify your eligibility to rent.

You can assist landlords and letting agents and speed up the process by making sure your documents are ready for checking when required.

Anyone who believes that they have been discriminated against, either directly or indirectly, by a landlord or prospective landlord on the basis of one or more protected characteristics may bring a complaint before a county court. If you need expert advice and support on discrimination, you can contact the [Equality Advisory Support Service \(EASS\)](#).