



Gaining Access Policy

November 2024

Housing Services

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Document Responsibility		
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Document Version Control			
Date	Version	Issued by	Summary of changes
July 2024	V1	Adrian Erwood	First draft
September 2024	V2	Jen O'Grady	Revised draft

Policy Review			
Updating frequency	Review date	Person responsible	Service
3 years, unless required earlier	November 2027		Housing

Document Review and Approvals		
Name	Action	Date
One Legal	Consulted	September 2024
Housing Services Managers	Consulted	Early Oct 2024
Tenant Policy Consultation Group	Consulted	Mid Oct 2024

1 INTRODUCTION

1.1 Purpose and scope

- 1.1.1 Stroud District Council (SDC) prioritises the safety and wellbeing of the residents within the homes it owns and manages. The Council respects the privacy of residents and their right not to be disturbed unnecessarily or at inconvenient times, however, there are circumstances that will require the Council, or contractors on the Councils behalf, to access properties it owns or manages.
- 1.1.2 This Gaining Access Policy outlines the approach the Council will use to manage and enforce access to its housing stock when required. SDC have legal, regulatory and contractual duties as a social landlord. These include ensuring our social housing properties meet national legal standards in terms of conditions, as well as ensuring the safety of all residents. To enable SDC to meet these duties it is vital that there are no barriers to accessing its residents' homes when necessary. Access refusals have a financial and resource cost to the housing service, and ultimately divert resources away from the service that is provided to residents.
- 1.1.3 The Policy covers situations when SDC needs to access a home, resident responsibilities regarding access, and the process SDC will follow if a resident does not allow access. This Policy does not relate to obtaining access to properties as part of the repossession or abandonment process.
- 1.1.4 The specific objectives of the Policy are:
- To ensure a robust escalation process is in place to provide the resident with the opportunity to give access at a mutually convenient time.
 - To provide a fair and transparent enforcement process for gaining access to a property where the resident has not agreed to give access or has ignored contact requesting access.

1.2 Terms and definitions

- 1.2.1 **SDC** means Stroud District Council and for the purposes of this Policy where reference is made to SDC in regard to access, this includes any agency or individual acting on SDC's behalf.

2 SITUATIONS WHERE SDC REQUIRE ACCESS

2.1 Pre-planned access

- 2.1.1 There are various reasons why SDC would need access to properties it owns or manages on a pre-planned basis. Non exhaustive examples include:
- Access to carry out repairs which are the landlord's responsibility to complete.
 - Access to carry out safety checks to ensure SDC meets its legal compliance obligations, for example, to carry out annual gas safety checks in line with Landlord Gas Safety Requirements.

- Access to assess the general condition of properties, or for the presence of known hazards.
- Access to assess the need for, or to carry out investment works and property improvements to eliminate hazards or maintain the decency of the home.
- Access to carry out tenancy audits to assess both the condition of the property and that the needs of tenants are being met effectively.

2.1.2 For each of the pre-planned access examples above, SDC will attempt to secure access by arrangement with the occupier at times that are mutually agreeable and with plenty of notice. The methods used to arrange pre-planned access include:

- Writing to the occupier in advance outlining why access is required and providing a proposed date, including details of how to contact SDC to make an alternative appointment if this is not convenient.
- Contact by telephone, text message or email to secure an appointment date.
- A home visit to book an appointment date.

2.2 Emergency Access

2.2.1 In some circumstances, SDC may be required to gain immediate access to tenants' homes where there is reasonable assumption that there is a threat to the health and safety of individuals, or when failure to act may result in property damage.

2.2.2 SDC will only ever gain immediate emergency access to a property in extreme circumstances such as a flood, gas escape or suspected medical emergency. In circumstances where the Council gain access in this way, the following steps will be taken:

- Attempt to make contact with the tenant prior to emergency entry.
- If SDC has been unable to contact the tenant prior to emergency entry, SDC will attempt to follow up with the tenants to inform them of the actions taken and reasons why.
- SDC will ensure the property is left safe and secure. This may involve carrying out a lock change. In this case, the Council will endeavour to contact the tenant or leaseholder to inform them how they can obtain a replacement key.
- SDC may take photographic evidence of the property by means of an inventory and/or as evidence for legal action that may follow.

2.2.3 If the Council is required to gain access in an emergency situation to remedy a fault that is found to be of the tenants making, the Council reserves the right to recharge the occupants for all works undertaken.

3 RESIDENTS RESPONSIBILITIES

3.1 Allowing access

- 3.1.1 Residents must allow SDC employees, or contractors employed by SDC, into their home when requested, or if the resident requests a repair or inspection. SDC staff and contractors will always show identification when visiting a resident's home.
- 3.1.2 A responsible adult (over the age of 18), must be present to allow SDC access. Where this is not the case, we will record this as no access.
- 3.1.3 As well as access into the property, we may require access to specific areas inside the property. While we always aim to minimise disruption, as stated in our repairs policy we may ask the resident to clear an area or lift up a floor covering to allow us access. We will arrange support if the tenant has a disability that prevents them from being able to do this.
- 3.1.4 Individual tenancy agreements and leases will detail rights and responsibilities in relation to residents providing access to their home. Failure to meet such obligations may constitute a breach of contract.

3.2 Re-arranging appointments

- 3.2.1 Tenants are reminded, where they know they will not be home for an appointment, to contact SDC to rearrange. Every missed appointment comes at a cost, and this diverts resources from the service SDC delivers for residents.

4 THE PROCESS IF ACCESS IS NOT PROVIDED

4.1 Additional measures SDC may take to attempt access

- 4.1.1 Where occupants fail to respond to attempts to gain access, SDC may also, depending on individual circumstances and the urgency of the access required, deploy the following measures to secure access:
 - Contact next of kin or those listed as having caring responsibilities.
 - Cold call at the property for the purposes of agreeing a suitable appointment date and time.
 - Contact known external support and advocacy groups.

4.2 Denied access for a pre-planned appointment

- 4.2.1 When attending a pre-planned appointment, the Council and contractor will clearly knock on the door or ring the doorbell at least twice and wait for a response. Additionally, where a contact telephone or mobile number for a tenant is available, the Council or contractor will attempt to call the tenant.

- 4.2.2 Should the Council or contractor attend the pre-planned appointment and the tenant be out, or refuse to allow the Council access, this will be recorded on SDC systems as 'no access'. In this event, a 'no access' card or sticker will be left at the property and the failed access attempt may be recharged to the tenant.
- 4.2.3 The Council or contractor will make at least one further attempt to gain access at a pre-planned time that suits the tenant.
- 4.2.4 After two failed attempts to gain pre-planned access, the Council will send the tenant a pre-action letter advising the tenant that they must allow access at a third appointment attempt, or legal proceedings will be commenced.
- 4.2.5 For complex repair works that require access from a third-party utility company, a mutually agreeable time will be arranged with the resident for access to the property. SDC will provide written confirmation of the agreed appointment time to the resident and will set out the third-party cancellation policy which must be adhered to. Where a resident does not adhere to the third-party cancellation policy, they may be recharged the costs incurred.
- 4.2.6 Where access is refused for planned works that the tenant had previously consented to, SDC may re-charge the tenant for any pre-ordered works materials.

4.3 SDC process if access is repeatedly refused:

- 4.3.1 In the vast majority of cases the above measures usually result in access being secured. Where routes to gain access have been exhausted, particularly where there is a statutory or regulatory requirement, or a health and safety reason for accessing a property, SDC will initiate legal proceedings.
- 4.3.2 Following a minimum of three failed access attempts, SDC will serve the tenant with legal papers asking the court for an injunction order to allow SDC access into the resident's home and to ask the court to require the resident to pay the Council's legal fees. Additionally, SDC may ask the court to grant an injunction to last the life of the tenancy to allow ongoing access for specific situations e.g. gas safety.
- 4.3.3 To allow SDC to carry out its legal landlord duties in the interests of the safety of the tenant and of the home, the injunction order may include a provision to ask the court to grant permission to SDC to force entry to the property where the resident continues to refuse access. This is at the discretion of the court. Where permission for forced entry is granted and actioned, SDC may re-charge the resident for costs related to changed locks.
- 4.3.4 Where the council has been granted an injunction that does not include the provision for forced entry and the resident continues to not allow access, further punishment will be decided by the court as part of contempt proceedings. It is a serious offence to ignore a court order that can result in fines and imprisonment for up to two years.

- 4.3.5 In the most severe cases the Council will consider serving notice seeking possession for breach of tenancy and apply to the courts to bring the tenancy to an end.

5 MONITORING AND CONTROLS

5.1 Monitoring and review

- 5.1.1 This is a cross-service policy that will be reviewed in line with any changes to legislation, regulation and accepted practice.
- 5.1.2 This policy will be monitored through procedural checks and data analysis. All attempts to access a property will be recorded on SDC IT systems and SDC will use this data to understand patterns of repeated refused access attempts. SDC may use specific data to identify access problems and improve first time access. For example, SDC may record and compare numbers of missed appointments for different types of appointment or analyse the number of attempts used to gain access to a property.

5.2 Controls and record keeping

- 5.2.1 SDC will keep a record of communications, paperwork and in some cases digital images as proof of the steps that have been taken to gain access and will retain these for inspection should this be necessary in accord with any legal requirements.
- 5.2.2 SDC will continue to train new and existing staff to ensure they implement this policy correctly and in line with agreed procedures, when they require access to a resident's home. Likewise, SDC require that our contractors work in line with the agreed standards when they are seeking access.

6 LEGISLATION AND REGULATION

- 6.1.1 The following list is not exhaustive but provides examples of key legislation and regulation supporting our requirement to access to/through individual and block properties:
- The Defective Premises Act 1972
 - Health and Safety at Work Act 1974
 - Landlord and Tenant Act 1985 (Section 11 – Repairs and Maintenance)
 - Electricity at work regulations (1989)
 - The Gas Safety (Rights of Entry) Regulations 1996
 - Gas Safety (Installation and Use) Regulations 1998
 - Management of Health and Safety at Work Regulations 1999 (Regulation 11 Co-operation and Co-ordination)
 - Decent Homes Standard 2001
 - Housing Act 2004 (Housing Health and Safety Rating System)
 - Regulatory Reform (Fire Safety) Order 2005
 - The Equality Act, 2010
 - The Control of Asbestos Regulations 2012 (CAR 2012)
 - Homes (Fit for Human Habitation) Act 2018
 - The Building Regulations 2019 incorporating 2020 amendments, Approved Document B (Fire Safety)
 - The Social Housing Regulation Act (2023) including Awaab's Law

- The Regulator of Social Housing Consumer Standards

7 RELATED POLICIES AND DOCUMENTS

7.1 This policy and its delivery are linked to the following Council policies and documents:

- Tenancy Agreement
- Lease Agreement
- Gas Safety Policy
- Electrical Safety Policy
- Asbestos Policy
- Legionella Policy
- Radon Policy
- Fire Safety Policy
- Void Standard
- Repairs & Planned Maintenance Policy
- Recharge Policy
- Empty Council Homes Policy
- The Council Plan

8 EQUALITY, DIVERSITY AND INCLUSION

8.1 Equality Impact Assessment

8.2 An Equality Impact Assessment has been completed as part of the development of this policy and its procedure. This did not reveal any envisioned impact for any of the protected characteristics, and it acknowledged that this policy does not introduce anything new but rather explains existing arrangements for legal access more fully and transparently, with the aim of improving the access particularly where there is a health and safety implication.

8.3 SDC services have arrangements in place to make and amend appointments at times that are mutually agreeable and with plenty of notice. This ensures that arrangements are in place to adjust and support vulnerable residents to give SDC access.