

Property and Housing Services  
**Access to Homes policy**  
**(2024)**

DRAFT

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# 1. Introduction

## 1.1 - Purpose of this policy

This policy explains Havering Council's (the Council) approach to obtaining access to residents' (e.g. tenants, leaseholders, etc) homes - including gardens exterior storage spaces and other outside areas - in order to fulfil its statutory and regulatory duties as a responsible social housing landlord.

It explains how access will be requested and what action will be taken if necessary access is not made available.

## 1.2 - Aims of this policy

This policy highlights the following key principles in the way it deals with gaining access to homes:

- Defining when the Council needs to access residents' homes
- Setting clear, Residents Responsibilities
- Taking appropriate and proportionate action
- Value equality, inclusion and diversity, treating everyone with fairness and respect

The Council aims to ensure that its residents are kept informed about action being taken to gain necessary access to their homes in order to carry out essential duties such as undertaking repairs, safety checks, welfare checks and inspections.

## 1.3 - Scope of this policy

This policy applies to all Council residents, Council staff and their appointed contractor/s.

The scope of this policy relates to properties owned by, or managed on behalf of, the Council.

This policy outlines the circumstances under which a resident will be required to allow access to, or through, their home by the Council or its appointed contractor/s.

It defines:

- a) When the Council needs to access a home
- b) Resident Responsibilities
- c) The process that will follow if a resident does not provide access

This policy does not relate to obtaining access to properties as part of the repossession process, nor where the Council considers that the property has been abandoned.

#### **1.4 - Legal context of this policy**

This policy is set within the legislative framework outlined by the Regulator of Social Housing, such as:

- Localism Act 2011
- Section 16 of the Housing Act 1988
- Housing Act 1996
- Health and Safety at Work Act 1974
- The Building Regulations 2019 for fire safety incorporating 2020 & 2022 amendments
- Gas Safety (Installation and Use) Regulations 1998
- Gas Safety (Management & Right of Entry) Regulations 1996
- The Control of Asbestos Regulations 2012 (CAR 2012)
- Homes (Fitness for Human Habitation) Act 2018
- Landlord and Tenant Act 1985
- Defective Premises Act 1972
- Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- Electricity at work regulations (1989)
- Electrical Equipment (Safety) Regulations 1994 and the Plugs and Sockets etc. (Safety) Regulations 1994
- Prevention Social Housing Fraud Act 2013
- Equality Act 2010
- Environmental Protection Act 1990
- Antisocial Behaviour Crime and Policing Act 2014
- Local Government (Miscellaneous Provisions) Act 1982

## **2. Background**

The Council may need access to homes for many reasons, including (but not limited to):

- To inspect the condition of the property
- To carry out servicing or a repair
- To investigate a possible breach of tenancy
- If there is an emergency (property or person related)

This policy will also be used to gain access in the following circumstances:

- Gas Safety Checks
- Fire Safety surveys and works
- Electrical Testing and works
- Asbestos surveys and works
- Surveys or works to control the risk of Legionella
- HHSRS (Housing Health & Safety Rating System) inspections
- Servicing and maintenance of personal lifts, including stair-lifts and Telecare equipment
- Repairs to, or refurbishment of, properties - especially where failure to carry out repair or refurbishment would place residents at risk and/or cause damage to

Council property

- Any surveys required to identify the condition of the property
- Tenancy audit and anti-social behaviour by the occupiers of, or guest visitors to, the property

### **3. If the Council needs to access a home**

If the Council needs access to a resident's home, it will work with the residents to arrange a mutually convenient time and date to visit.

Unless the visit is an emergency, the Council will always try to pre-arrange an appointment. The Council will make all reasonable attempts to contact the resident in advance, including contacting their family and other people they know.

A responsible adult (i.e. legally over the age of 18) must be present to allow access to the home. The Council will record the visit as 'no access given' where this is not the case.

### **4. If a resident does not attend an appointment**

Where the resident is not going to be home for an appointment, they need to contact us well ahead to rearrange.

The Council may pursue all associated costs that are incurred, and recharge the resident accordingly.

### **5. The necessity for emergency access**

There may be an emergency in which we believe that the safety of the resident and/or other residents, or if the integrity of the property and/or adjoining properties is put at risk. The Council reserves the right to gain access; even if the resident or their representatives are not contactable in advance.

### **6. Resident responsibilities**

6.1 - Individual tenancy and lease agreements will detail rights and responsibilities in relation to necessary, Council access to their home.

Each resident signs an agreement with the Council, outlining the rights and responsibilities of both parties. These agreements include reasonable access provisions.

Failure to meet such obligations may constitute a breach of contract and, therefore, may result in legal action; such as an injunction, possession proceedings and/or associated legal costs -

- Tenants: Please refer to your tenancy agreement.
- Licence-holders: Please refer to your licence.
- Leaseholders and Shared owners: Please refer to your individual lease.

6.2 - Residents must allow Council staff or their representatives (appointed contractors) into their home when requested, especially if the resident has requested a repair. Appropriate identification will always be available when visiting a resident's home.

6.3 - It is important that residents inform the Council if:

- Their contact details have changed (e.g. telephone numbers, e-mail addresses or any changes relating to their next of kin);
- If they require additional support needs;
- The details of someone else who can give the Council access, if the resident is not able to when LBH needs to enter a home.

## **7. What the Council will do if access is not provided**

7.1 - Where reasonable access has been denied, the Council will, where necessary, pursue legal measures such as obtaining a warrant to gain entry. However, enforcement action to gain access will always be a last resort.

7.2 - Any resident who does not allow access may be in breach of their agreement with the Council, necessitating legal action. This includes residents of a leasehold property.

7.3 –The Council will cooperate where access to a property may need to be arranged with other key agencies and partners, including where there is risk to life, and safeguarding issues.

Examples of such partnerships would include:

- Police
- London Fire Brigade
- NHS
- Social Care
- Health and Safety Executive
- Building Control
- Environmental Health

7.4 - If the resident refuses access after reasonable requests, the Council may take the following actions:

- Tenants: The Council may ask the court for an injunction to allow access into the home. The Council will also ask the court to order that all associated costs incurred. If access has been repeatedly refused, the Council may also ask the court to grant an injunction for up to five years to allow ongoing access to the property for a specific reason e.g. gas safety.

The Council may serve a Notice of Seeking Possession, informing the resident of the intention to seek re-possession of the home and termination of the tenancy.

- Leaseholders: The Council may apply for an injunction to enforce the terms of the lease or, alternatively, to serve a section 146 requiring the leaseholder to comply with the terms and conditions of the lease thereby giving the Council access to the property.

If the required annual gas safety check of the home is overdue, and access to the home being unavailable despite the Council's best efforts, the gas supply to the home may be limited or capped.

Where possible, the resident will be notified of any decision to cap the gas supply prior to this being actioned. This will provide one more opportunity for the resident to book the necessary appointment and provide access.

The Council will make every effort to work with the resident, where the gas has remained capped for more than 3 days to ensure that the resident is accessing support as required and the supply is restored.

The Housing Management team will risk assess each case on a case-by-case basis and submit the case for approval by the Assistant Director of Housing, Property & Assets or the Assistant Director of Housing Operations. This will be documented in the resident's case notes.

7.5 - If the resident continues to allow reasonable access, the Council will apply to the court for possession of the home. This action will be taken if the resident:

- Has not responded to repeated attempts to be allowed access or
- Has denied access following the issue of a court, or
- Routinely fails to allow access.

7.6 - In very serious cases where an injunction has been issued and the resident continues to allow access, the court will be asked to fine the resident or send them to prison.

7.7 - The methods and steps used to gain access may vary according to the reason and degree of urgency, but will always be proportionate and reasonable.

The Council will monitor this policy and associated policies through procedural checks and feedback including complaints.



## **8. When the Council will enter a home without the resident's permission**

8.1 – The Council will only enter a resident's home without their permission in exceptional circumstances where, for example:

- The Council has identified a serious health and safety risk to the occupants and/or others
- There is likely to be serious, permanent or significant damage to the building if immediate action is not taken
- There is an immediate concern for the wellbeing of someone in the property
- The resident has breached an injunction and the associated terms allow the Council to gain entry

8.2 - An example of exceptional circumstances is a serious or substantial water leak, the property has been abandoned and/or the resident is not contactable and there is not anybody else who can allow access.

8.3 - In an emergency where there is a gas leak or structural concern, the Council will not enter but will immediately contact the relevant emergency services.

8.4 - If there is any possibility an occupant could be seriously ill or has died, the Council will contact the emergency services and ask them to enter the property.

8.5 – The Council will only enter without permission as a last resort. The decision must be authorised by the Assistant Director of Housing Operations/Assistant Director of Housing Property & Assets, or the Director of Housing & Property.

8.6 If an emergency arises out of hours, the Duty Officer will decide whether the Council or its contractors should enter the property.

## **9. Staff Training**

Recognising that well-trained staff are key to the successful delivery of this policy, it will be covered in inductions for new officers and “refreshers” will be mandatory for current staff.

Unconscious bias training will also be made available to ensure that the important intersections with other inequalities and disproportionalities are well understood by officers.

## **10. Equal Opportunities statement**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have ‘due regard’ to:

- i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) has been carried out and accompanies this policy.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations. The Council will seek to ensure that this policy is, at all times, implemented in a manner that is fair to all sections of the local community.

All applicants for housing or re-housing will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require additional services to enable them to access and understand the policy to ensure that they are not disadvantaged in any way.

They also will be invited to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information is not obligatory or a requirement for acceptance of an application.

However, such information will help monitor the number and types of protected characteristics requiring hostel support, and will help ensure that service improvement evolves in line with any changing local needs.

Equalities records will be kept and monitored to ensure hostel accommodations are offered and allocated fairly. This policy will be regularly reviewed ensure it is not operated in any way that could discriminate or disadvantage against any particular group of people.

All information provided will be kept confidential and treated with respect at all times.

## **11. Data Protection statement**

Havering Council takes personal privacy matters very seriously and will never share the individual's personal data without their prior knowledge, unless required to do so by law.

For full details about how the Council protects personal data, please visit [Havering Council Data Protection policy](#).

## **12. Dissemination and communication of this policy**

Housing Services will consult with all affected stakeholders, directly or indirectly, to ensure this policy fulfils its purpose to be clear and transparent.

This policy will be made available internally and externally in hard copy and electronic versions, as well as various formats – such as easy read, multi-lingual, braille and audio - upon request.

## **13. Implementation of this policy**

This policy will take effect from December, 2024.

Responsibility for the successful implementation of this policy will be with Havering Council's Assistant Director of Housing Operations and Assistant Director of Housing, Property & Assets.

## **14. Monitoring and review of this policy**

In the interests of continuous improvement, this policy will be reviewed every three years to ensure it remains relevant, up-to-date and fit-for-purpose for the Council and the residents of Havering.

We will carry out regular quality checks on cases managed by our staff.

## **15. Delegated authority to make minor changes to this policy**

The Assistant Director of Housing Operations or the Assistant Director of Housing Property & Assets, in consultation with the Director of Property and Housing, will be able to approve minor amendments; i.e. amendments that do not significantly change this policy or associated procedures.