



NO ACCESS POLICY

POLICY TITLE:	No Access Policy
LEAD OFFICER:	Head of Housing Management
DATE APPROVED:	February 2025
APPROVED BY:	SLHD Board
IMPLEMENTATION DATE:	April 2025
DATE FOR NEXT REVIEW:	April 2028
ADDITIONAL GUIDANCE:	<p><i>Electric Safety Roundtable (ESR): Code of Practice for the Management of Electrotechnical Care in Social Housing</i></p> <p><i>Association of Safety compliance Professionals (ASCP) in Housing & Communities publication of 'Gaining Access for Safety Checks in Social Housing: The Legal Position on Guaranteed Access'</i></p> <p><i>Tenancy Agreement (Secure, Flexible, Intro)</i></p>
ASSOCIATED CUSTOMER PUBLICATIONS:	
TEAMS AFFECTED:	Housing Management, Building Safety, Major Projects, Repairs and Maintenance, Customer Services, Asset Management
THIS POLICY REPLACES WITH IMMEDIATE EFFECT:	<p>New Policy</p> <p>Replaces references in the following Policies: Repairs & Maintenance, Housing Management, Customer Own Improvements.</p>

DOCUMENT CONTROL

For guidance on completing this section please refer to the document version control guidance notes

Revision History

Date of this revision:	N/A – New Policy
Date of next review:	April 2028
Responsible Officer:	Head of Housing Management

Version Number	Version Date	Author/Group commenting	Summary of Changes
01	Feb 2025	Head of Housing Management	New Policy

Page	Version	Date	Author
Page 1 of 8	1	April 2025	Jennie Daly

Policy Creation and Review Checklist

ACTION	RESPONSIBLE OFFICER	DATE COMPLETED
Best practice researched (HouseMark, HQN, NFA, RSH, general websites)	Head of Housing Management	January 2025
Gaining Access for Safety Checks in Social Housing the Legal Position on Guaranteed Access		
Review current practices from similar organisations (NFA)	Head of Housing Management	January 2025
Review customer satisfaction / complaints data from the area the policy relates to	Head of Housing Management	January 2025
Undertake customer consultation if applicable	Head of Housing Management	January 2025
Staff consultation through Trade Unions if applicable	Head of Housing Management	N/A
Trade Union consultation if applicable	Head of Housing Management	N/A
Other stakeholder consultation if applicable	Head of Housing Management	N/A
Equality analysis carried out through the intranet for all new policies or fundamental changes	Head of Housing Management/EDI Manager	January 2025

NB. The above table must be completed on all occasions. The policy will not be accepted or approved by EMT without this information completed.

Page	Version	Date	Author
Page 2 of 8	1	April 2025	Jennie Daly



NO ACCESS POLICY

1. Introduction / Background

- 1.1 Social landlords are required to demonstrate compliance with mandatory and statutory safety obligations by conducting periodic safety inspections to ensure tenant safety. While most tenants will allow access for these inspections and associated works, landlords have steps they can take if access is denied.
- 1.2 The Regulator of Social Housing mandates compliance with statutory requirements such as Social Housing (Regulation) Act 2023, the Landlord and Tenant Act 1983, the Housing Health and Safety Rating System from the Housing Act 2004, and the Homes (Fitness for Human Habitation) Act 2018.

2. Purpose

- 2.1 The purpose of this policy is to establish clear guidelines, supported by detailed procedures for gaining access to properties for safety and compliance work and associated inspections, ensuring the safety and wellbeing of tenants, and maintaining the integrity of housing structures.

3. Scope

- 3.1 This policy applies to all properties managed by St Leger Homes of Doncaster and covers all types of safety and compliance inspections, and associated works carried out by SLHD staff and its' representatives or contractors, including gas safety checks, electrical safety inspections, fire safety works, asbestos and condition surveys and other compliance-related activities including emergency maintenance and repairs.
- 3.2 Whilst compliance matters in 3.1 are likely to be the main reasons, other housing management-related inspections may also require access to be authorised through legal enforcement routes.

4. Legal Framework

- 4.1 Understanding the legal framework and tenant rights is crucial when gaining access to social housing for safety checks. Landlords are legally required to

Page	Version	Date	Author
Page 3 of 8	1	April 2025	Jennie Daly

ensure that their properties are safe for habitation, this includes regular safety and condition inspections and prompt resolution of identified issues.

4.2 We will ensure our actions are proportionate to balance the safety of our tenants with their right to privacy and the peaceful enjoyment of their home. We will make all reasonable enquiries to establish any extenuating circumstances or vulnerabilities.

4.3 Aside from emergency situations and in accordance with the tenancy agreement, St Leger Homes will always seek a court order or injunction to authorise a forced entry in instances where we are being prevented from carrying out our statutory responsibilities.

In certain circumstances, it may be appropriate to charge the tenant for the cost of the forced entry where access has been after reasonable notification.

4.4 Legal guidance was sought from a number of sources and appropriate adherence considerations regarding the justification for access including:

- Housing Act 1985
- Gas Safety (Installation and Use) Regulations 1998
- Electricity at Work Regulations 1989
- Electrical Safety Regulations 2018
- Regulatory Reform (Fire Safety) Order 2005
- Landlord and Tenant Act 1985
- Defective Premises Act 1972
- Environmental Protection Act 1990

5. Ownership and Responsibilities

5.1 The ownership and responsibility of managing the implementation and relevance of this policy will remain with the Head of Housing Management. However, the application of the policy and associated procedures will apply to all Service areas and teams as set out in 5.4.

5.2 The Roles and Responsibilities for the safety of our tenants has a clear hierarchy from operational teams and ultimately to the Chief Executive and Board of St Leger Homes.

5.2 Procedures developed to support this Policy will ensure that teams understand their responsibilities; ensuring our communication with tenants is clear and consistent as to the implications for not allowing access and the actions we will take to gain entry.

5.4 An overview of the responsibilities of the teams involved for the delivery of this policy includes:

Page	Version	Date	Author
Page 4 of 8	1	April 2025	Jennie Daly

- **Property Services:** Responsible for gas safety checks and other compliance work and essential condition inspections such as HHSRS hazards.
- **Housing Management:** Responsible for tenant engagement and enforcement where required.
- **No Access Team (new team to be developed):** Responsible for managing no access cases, conducting data analysis, and pursuing legal enforcement when necessary.

6. Policy

6.1 St Leger Homes of Doncaster is committed to ensuring the safety and well-being of its tenants by conducting regular safety and compliance checks and condition inspections. This policy outlines the procedures for gaining access to properties, the roles and responsibilities of staff, and the legal routes available for enforcement.

7. Procedures

7.1 Procedures developed to support this Policy will include the following:

Communication with Tenants

- Apart from emergency situations, proper and appropriate notice will be given before any inspections are carried out – the frequency of these will be defined by the type of inspection or works.
- Inspections conducted at reasonable times to minimise disruption and consider any vulnerabilities.

Access Attempts

- Multiple and varied attempts must be made by Property Services or their contractors to gain access to properties before considering legal enforcement, with all attempts or failed appointments recorded for evidence purposes – contact will be made using a variety of methods i.e. visits, letters, telephone, email, text etc as appropriate.
- Tenancy Agreements and Leases will contain appropriate clauses regarding access. In addition, clear communication will be provided to tenants regarding the implications of not allowing access and the consequences including potential legal action to force entry.

Legal Enforcement

- Following at least 3 attempts by Property Services or their contractors to gain access, details will be shared with Housing Management teams so legal routes can be pursued, including obtaining court orders or injunctions as necessary.

Page	Version	Date	Author
Page 5 of 8	1	April 2025	Jennie Daly

8. Monitoring, Compliance and Effectiveness

8.1 A dedicated No Access team will be established to handle all no access cases, ensuring consistency and efficiency in the process. The team will ensure regular data analysis to identify high-risk addresses and tenants with previous no access issues.

Data will be used to plan work programs and target high-risk tenants.

8.2 Tools and Powers

In terms of the appropriate legal enforcement, these will be dictated by the purpose of the inspection and authority will be granted via a legal court process in the following ways:

- Gas Servicing – we will enforce no access under the Environmental Protection Act and use forced entry measures.
- Electrical Installation Condition Report (EICR), Fire Safety inspections and other compliance work – we will use injunctions using the terms of the tenancy agreement.
- Other access requirements – we will use options such as demotion and possession of tenancy using the terms of the tenancy agreement.

8.2.1 Gas – Legal option: Warrant

We are legally required by the Gas Safety (Installation and Use) Regulations 1998 to ensure that any gas appliances, fittings and flues provided for tenants are safe and as such, we must have carried out an annual gas safety check within 12 months and annually thereafter.

If the tenant fails to provide access to the carry out the necessary checks, this is treated as statutory nuisance under the Environmental Protection Act 1990 which makes provision for us to apply to the Magistrates' Court for a warrant to authorise forced entry to carry out the necessary safety check.

Any application to the courts must be demonstrably proportionate and evidence provided to prove the attempts made to gain access with the tenant.

8.2.2 Electrical Inspections – Legal option: Injunction

These safety inspections should be carried out at least every 5 years.

Where a tenant fails to allow access to carry out a safety inspection, we can apply to the County Court for an injunction to gain access and carry out the inspection on the basis that the tenants are in breach of sections (2.9(j) and 2.9(m) of their tenancy agreement by not allowing access for the inspection.

Page	Version	Date	Author
Page 6 of 8	1	April 2025	Jennie Daly

The injunction contains a provision under Civil Procedure Rule 25.1(C)(ii) and (D) to allow access to the Council via a lock change if the tenant doesn't allow access within 28 days of being served with the injunction.

8.2.3 Other access requirements – Legal option: Injunction

These instances would follow the same route as outlined above for Electrical inspections – again, evidence of a breach of the terms of the Tenancy Agreement must be proven before the injunction would be granted.

8.4 Data and Programme delivery

We will use our tenant insight data and vulnerability data along with previous no access data to deliver programmes of work. Where necessary we will deliver MOT visits to tenants which will deliver all required compliance work in one visit.

9. Performance Standards

9.1 Performance standards for compliance in social housing are designed to ensure that housing providers deliver high-quality, safe, and secure living environments for tenants.

These standards typically cover a range of criteria, including the maintenance of housing quality, adherence to health and safety regulations, and the provision of essential services.

Compliance involves regular inspections, transparent reporting, and prompt resolution of any issues raised by tenants. By meeting these standards, social housing providers can ensure that their properties are well-managed, and that residents' needs are consistently met, fostering a sense of community and trust.

9.2 We will report regularly and publish results in relation to compliance on

- Annual Landlord Gas Safety Record (LGSR)
- Electrical Installation Condition Report (EICR) - every five years
- Annual Smoke and Heat Detection Inspections/replacements
- No. of Injunctions and court orders applied for and granted to gain entry to a property for safety and compliance works.

10. Review of Policy

10.1 This policy will be reviewed regularly to ensure its effectiveness and compliance with legal requirements. Regular reports will be provided to the Executive Management Team (EMT) on no access cases and enforcement actions taken.

11. Background Document/Research:

Page	Version	Date	Author
Page 7 of 8	1	April 2025	Jennie Daly

- *Electric Safety Roundtable (ESR): Code of Practice for the Management of Electrotechnical Care in Social Housing*
- *Association of Safety compliance Professionals (ASCP) in Housing & Communities publication of 'Gaining Access for Safety Checks in Social Housing: The Legal Position on Guaranteed Access'*
- *St Leger Homes' Tenancy Agreement*

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Page	Version	Date	Author
Page 8 of 8	1	April 2025	Jennie Daly