

# ACCESS TO PROPERTIES POLICY

|                |                          |
|----------------|--------------------------|
| Originator:    | Policy and Strategy Team |
| Approval date: | September 2021           |
| Review date:   | September 2024           |

|          |   |
|----------|---|
| <b>1</b> | <b>Introduction</b>   |
| 1.1      | As a responsible landlord, Pine Court Housing Association (PCHA) aims to maintain the condition of properties it owns and manages and ensure the safe welfare of occupants, as far as is reasonably practical, at all times.  |
| 1.2      | In pursuing this aim PCHA, will in a number of circumstances, require access to properties and adjoining grounds. Right to this access is an express condition of the tenancy and lease agreements that PCHA issue and PCHA will expect that, given reasonable notice, access will be granted by the occupants of properties it owns and provides services to.  |
| 1.3      | This Policy sets out the approach PCHA will take in securing access for legitimate housing management purposes, when this is likely to be required and the steps it will take if permission for access is not granted or not available when necessary.  |
| 1.4      | The application of this Policy ensures compliance with the outcomes of the Regulatory Framework for Social Housing in England, responsibility of the Homes and Communities Agency Regulation Committee as outlined below: <ul style="list-style-type: none"> <li>• provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to tenants, and has the objective of completing repairs and improvements right first time</li> <li>• meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes</li> </ul> |
| 1.5      | <b>Access and Communication</b>   |
| 1.5.1    | PCHA is committed to ensuring that our services are accessible to everyone. We will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for us or use our services.  |
| 1.6      | <b>Equality, Diversity and Human Rights</b>   |
| 1.6.1    | PCHA is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out our duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Transgender,   |

|          |   |
|----------|---|
|          | Sexual Orientation, Pregnancy and Maternity, Marriage and Civil Partnership, Religion and/or Belief.  |
| 1.6.2    | PCHA also recognises that some people experience disadvantage due to their socio economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice. |
| 1.6.3    | PCHA will also ensure that all services and actions are delivered within the context of current Human Rights legislation. Staff and others with whom we work, will adhere to the central principles of the Human Rights Act (1998).   |
| 1.6.4    | The Policy should be read in conjunction with: <ul style="list-style-type: none"> <li>• The PCHA Repairs, Maintenance and Planned Works Policy</li> <li>• The PCHA Gas Safety Policy</li> </ul>   |
| <b>2</b> | <b>Statement of intent</b>  |
| 2.1      | PCHA will comply with its legal obligations when attempting to gain access to occupied properties it owns or manages and only in line with tenancy and lease agreement conditions.  |
| 2.2      | Normally this will include giving not less than 24 hours written notice before access is required, unless otherwise arranged by agreement with the occupier.  |
| 2.3      | PCHA will only request or seek to gain access to a property it owns or manages in pursuit of a genuine housing management issue or where it is reasonably believed that an immediate danger to the health and safety of individuals or animals is present.  |
| 2.4      | PCHA may also request or seek to gain access to prevent or remedy damage to the property or adjoining properties.   |
| 2.5      | In non-emergency situations, PCHA will adopt a ‘reasonable approach’ to gain access to properties through multiple attempts at contact with the occupier to secure access by agreement.   |
| 2.6      | PCHA will adjust its approach to access and may work in partnership with external support and advocacy agencies where the occupiers are known to be vulnerable in any way or there are barriers to communication.   |
| <b>3</b> | <b>Policy</b>   |
| 3.1      | For the purposes of this Policy where reference is made to PCHA in regard to access, this includes any agency or individual acting on PCHA’s behalf.  |
| 3.2      | <b>Pre-planned Access</b>   |
| 3.2.1    | There are various reasons why PCHA would need to secure access to properties it owns and / or manages on a pre-planned basis. Non exhaustive examples include: <ul style="list-style-type: none"> <li>• Access to carry out repairs which are the landlords responsibility to complete</li> </ul>                     |

- Access to carry out safety checks to ensure it meets its legal 'compliance' obligations e.g. to carry out annual gas safety checks in line with Landlord Gas Safety Requirements (LSGR) or fire risk works
- Access to assess the general condition of properties or for the presence of known hazards e.g. asbestos surveys
- Access to assess the need for, or to carry out investment works and property improvements to eliminate hazards or maintain / enhance asset values
- Access to carry out tenancy audits to assess both the condition of the property and that the needs of tenants are being met effectively

3.2.2 For each of the examples outlined above of why access may be required and others not listed, PCHA will have a detailed procedure that it will follow to ensure consistency and fairness.

3.2.3 The process will vary according to the timescales for each action but common factors will include multiple, reasonable attempts to secure access by arrangement with the occupier and at times that are mutually agreeable.

3.2.4 Listed below are the types of measure PCHA will deploy to gain access on a planned basis:

- Writing to the occupier in advance outlining why access is required and providing a proposed date (also details of how to contact PCHA to make an alternative appointment if this is not convenient)
- Contact by telephone or email to secure an appointment date
- Home visit to book an appointment date

3.2.5 PCHA may repeat the above attempts to maximise the opportunities to secure appointments by arrangement.

3.2.6 Where occupants fail to respond to the above attempts PCHA may also, depending on individual circumstances and the urgency of the access required, deploy the following measures to secure access:

- Make contact with relatives or those listed as having caring responsibilities
- Make contact with neighbours
- Make contact with known external support and advocacy groups

3.2.7 In all attempts to gain access PCHA will endeavour to meet preferred communication methods where these are known e.g. where English is not spoken as a first language and will keep a record of all the attempts it makes.

### 3.3 Enforcement Actions

3.3.1 In the vast majority of cases the above measures usually result in access being secured, however, there are occasions where PCHA may be required to take tenancy or lease enforcement actions to secure access. This may include:

- Applying for injunctions from the courts to enforce the landlords 'right of access'
- Serving 'Notices Seeking Possession' for breach of tenancy and applying to the courts to bring the tenancy to an end

3.3.2 PCHA will only pursue the above legal remedies for gaining access to properties when all other reasonable attempts at contact and access by agreement have been exhausted.

### 3.4 **Emergency Access**

3.4.1 In certain circumstances, PCHA may be required to gain immediate access to properties where there is a reasonable assumption that there is a threat to the health and safety of individuals or failure to act may result in property damage.

3.4.2 PCHA will only ever attempt immediate access in extreme circumstances, non-exhaustive examples including where there is a flood, gas escape or suspected medical emergency and when it is safe to do so.

3.4.3 In these circumstances permission to act will normally be required from the Operations Director of PCHA if this is possible in the timeframes concerned.

3.4.3 Where PCHA is required to gain access in this way it will:

- Ensure follow up attempts are made to trace the property occupants to inform them of the actions undertaken
- Ensure the property is left safe and secure (this may on occasion involve carrying out a locks change. Where this is required, PCHA will endeavour to leave messages or notification to the tenants / leaseholders of how they can obtain replacement keys)
- Take photographic evidence of the property by means of an inventory and/or as evidence for legal action that may follow

3.4.4 If PCHA is required to gain access in emergency situations to remedy a fault that is found to be of the occupants making, it reserves the right to recharge the occupants for all works undertaken e.g. where taps have been left running causing flood damage.

### 3.5 **Arrangements for Independent Living Properties – Welfare Issues**

3.5.1 In a small number of PCHA 'Retirement Living' properties (purpose built sheltered housing scheme with communal facilities) PCHA hold, by agreement with the tenants, a set of 'suited keys' to individual properties.

3.5.2 PCHA may use the suited keys where there is reasonable belief that the occupant is in danger in any way and contact cannot be made by normal means e.g. in cases of medical emergency. This action will normally only take place once other attempts to trace the whereabouts of the occupiers have been exhausted, as per the PCHA Independent Living Missing Persons Procedure.

### 3.6 **Access by Key-Safe Arrangements**

3.6.1 Across a range of properties that PCHA owns and manages, occupants may choose to install 'Key-Safe' facilities, whereby a key to the property is kept in an external and secure box that can be accessed by entering a personalised code.

3.6.2 Entirely at an occupants discretion, they may share the code with PCHA staff so that they may gain access to the property in an emergency situation.

|          |  |   |
|----------|--|---|
| 3.6.3    | Where this arrangement exists, PCHA will not share the code with any third party without the occupants' permission and will attempt to contact the occupant via intercom or telephone when the key-safe facility is to be used.  |   |
| <b>4</b> | <b>Implementation</b>  |   |
| 4.1      | All PCHA staff need to be aware of the 'Access to Properties Policy' to be able to direct any customer queries that may arise.   |   |
| 4.2      | The Policy will have particular relevance to staff whose roles are involved in front line services and where access to properties is a requirement of the job.   |   |
| <b>5</b> | <b>Performance</b>   |   |
| 5.1      | There are no additional performance requirements as a result of the operation of this Policy.  |   |
| <b>6</b> | <b>Consultation</b>  |   |
| 6.1      | All PCHA staff have been consulted in the development of this Policy. The Customer Empowerment Panel were also consulted in the Policy development.  |   |
| <b>7</b> | <b>Review</b>  |   |
| 7.1      | The Policy will be reviewed by the Operations Director -PCHA as near as possible to the anniversary of approval, every three years, or more regularly if required by changes in PCHA business practices, as a result of system audits or the commencement of new legislation or regulations that impact on access to properties. |   |
| <b>8</b> | <b>Equality Impact Assessment</b>  |   |
| 8.1      | Was a full Equality Impact Assessment (EIA) required?  | No  |
| 8.2      | When was EIA conducted and by who?   | An Equality Impact Assessment Relevance Test was conducted by the Policy and Strategy Manager and Policy Writer on 04-04-17.  |
| 8.3      | Results of EIA   | The EIA Relevance Test did not indicate any adverse or differential impacts for any group with protected characteristics as a result of the operation of this Policy. |
| <b>9</b> | <b>Scheme of delegation</b>  |   |
| 9.1      | Responsible committee for approving and monitoring implementation of the Policy and any amendments to it   | Operations Director-PCHA  |
| 9.2      | Responsible officer for formulating Policy and reporting to committee on its effective implementation  | Operations Director-PCHA  |

|   |  |                          |  |  |
|---|--|--------------------------|--|--|
| 9.3   | Responsible officer for formulating, reviewing and monitoring implementation of procedures | Operations Director-PCHA |  |  |
| <b>10</b>   | <b>Amendment log</b>   |                          |  |  |
| Date of revision:                                     | Reason for revision:   | Consultation record:     | Record of amendments:  |  |
| This is the first version of the Policy (12/09/2017). | Not applicable   | See Section 6            | Not applicable   |  |
| 2 <sup>nd</sup> August 2018                           | In line with the review schedule   | See Section 6            | There are no significant changes to the Policy in this review. |  |
| 20 <sup>th</sup> September 2021                       | In line with the review schedule   | See Section 6            | There are no significant changes to the Policy in this review. |  |