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## 1. Purpose and scope

- 1.1 This policy applies to homes owned and/or managed directly by Lewisham Councils (LBL) Housing Services. This policy outlines the circumstances in which a tenant, leaseholder, shared owner, or licence-holder, is required to grant access to or through their property to our housing services staff, or a contractor working on our behalf.
- 1.2 This policy works in conjunction with other relevant policies including our Repairs policy, gas safety policy etc (See section 8).

## 2. Key points

- 2.1 While this list is not intended to be exhaustive, these are some of the reasons we may require access:
  - To enable us to carry out a statutory or contractual duty
  - To carry out an inspection or survey of past or planned work
  - To undertake repair, service, maintenance, or improvement work
  - To investigate or monitor the cause of an issue requiring repair or treatment
  - To prevent or reduce damage in an emergency
- 2.2 We will work with residents to arrange a suitable time to access their property where it is practicable to visit at an alternative time. Unless the visit is an emergency, we will always try to offer an appointment date/time in advance. Our timescales for undertaking work are set out in the Repairs policy and other relevant policies or service standards.
- 2.3 A responsible adult, (over the age of 18), must be present to allow us access. We will record the visit as 'no access given' where this is not the case.
- 2.4 Where other routes have been exhausted, and/or where there is a statutory or regulatory requirement, or a health and safety reason for entering a property we will, where necessary, pursue legal measures such as obtaining a warrant to gain entry. However, enforcement action to gain access will usually be a last resort.



- 2.5 Residents are reminded, where they know they will not be home for an appointment, to please contact us well ahead to rearrange. Every missed appointment, and each step in a legal process that we need to take to gain access, comes at a cost. This diverts resources from other activity and services we can deliver for residents. For information regarding the types of costs we will pursue, please see our Rechargeable costs policy.
- 2.6 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.
- 2.7 We will ensure our staff and contractors carry official identification. Where they are unable to show this, the resident has a right to refuse access at that time.

### 3. Working with partners

- 3.1 We will cooperate where access to a property may need to be arranged for or alongside other key agencies and partners, including where there is risk to life, and Safeguarding issues. We expect our residents to cooperate in such cases. Examples of such partnership work may include:
  - Police
  - London Fire Brigade
  - NHS
  - Social Care
  - Health and Safety Executive
  - Building Control
  - Environmental Health
  - Other landlords or freeholders

### 4. Legislation and Regulation

- 4.1 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:
  - Health and Safety at Work etc. Act 1974 (primary legislation which imposes a general duty of care upon us)
  - Landlord and Tenant Act 1985 (Section 11)
  - Homes (Fitness for Human Habitation) Act 2018
  - Gas Safety (Installation and Use) Regulations 1998
  - The Gas Safety (Rights of Entry) Regulations 1996
  - Electricity at work regulations (1989)
  - The Control of Asbestos Regulations 2012 (CAR 2012)
  - Management of Health and Safety at Work Regulations 1999 (Regulation 11 co-operation and co-ordination)
  - Regulatory Reform (Fire Safety) Order 2005 (RRFSO)
  - The Building Regulations 2019 incorporating 2020 amendments, Approved Document B (Fire Safety)



- 4.2 In line with the Housing Health and Safety Rating System (England) Regulations 2005 (HHSRS), we may inspect properties to check for 29 listed hazards and to decide on remedial work to be done to reduce risk to as low as reasonably practicable.
- 4.3 In line with some of the legislation listed above it is our duty as a landlord to gain access for certain activities such as an annual gas safety check, or periodic electrical testing. More information on these can be obtained in complimentary policies such as our Gas Safety and Electrical Safety policies.
- 4.4 Each tenant or leaseholder signs a tenancy agreement or lease outlining their own rights and responsibilities, as well as those of the landlord. These contracts specifically include access provisions. Failure to meet such obligations may constitute a breach of contract, and may result in legal action such as an injunction, possession proceedings, and 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
- Note:** While several types of leases are in use across our properties, in common they contain clauses relating to giving access including emergency arrangements, rights of way, not causing obstruction etc.

## 5. Monitoring and controls

- 5.1 This policy will be reviewed in line with changes to legislation and accepted practice, including anticipated changes from emerging legislation.
- 5.2 The methods and steps we use to gain access may vary according to the reason and degree of urgency where we need to enter a home, but will be proportionate and reasonable. We will monitor this policy and associated policies through procedural checks and feedback including complaints.
- 5.3 We may use specific data to identify access problems and to improve first time access. For example, we may record and compare numbers of missed appointments for different types of appointments, or analyse the number of steps required to gain access to a property.
- 5.4 We will keep a record of communications, paperwork and in some cases digital images as proof of the steps we have taken, and will retain these for inspection should this be necessary in accord with any legal requirements.
- 5.5 We 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, we require that our contractors work in line with the standards we agree with them when they are seeking access on our behalf.

## 6. Equality, diversity, and inclusion

- 6.1 We conducted an equality impact assessment (EIA) as part of the development of this policy and its procedure, and also conducted an assessment on the related Repairs policy. This did not reveal any expected impact for any of the protected characteristics, and it acknowledged that this policy document does not introduce anything new but



rather explains existing arrangements for legal access more fully and transparently, with the aim of improving access particularly where there is a health and safety implication.

- 6.2 Our services have arrangements in place to make and amend appointments in the majority of cases, to take into account residents working patterns and other commitments. It reaffirms that we have arrangements in place to adjust and support vulnerable residents to enable us to gain access.
- 6.3 The EIA highlighted that we had limited resident data around access issues, but we did not feel this should be a barrier to moving forward with this policy. It is our aim to increase information to be able to review this policy and processes at a future point, to ensure it stays accessible and fair.

## 7. Communication and Consultation

- 7.1 Consultation for this policy was covered through our closely related Repairs policy, which this policy compliments.
- 7.2 This policy will be published on our website, as well as periodic reminders through newsletters, new tenant information materials etc.
- 7.3 Access for specific reasons such as fire safety, building safety, and gas safety will be communicated through a variety of means according to need, including individual appointment letters, texts, and calls.
- 7.3 This policy, and related policy and procedure will be made available to staff through our staff intranet, as well as training and briefings.

## 8. Related documents

- 8.1 Related documents include but are not limited to the Repairs policy, Asbestos policy, Gas safety policy, Water hygiene policy, Electrical safety policy, Fire safety policy, and Planned Works Policy. (See 1.2).

<b>New Policy:</b> Required Access policy June 2022 (Lewisham Homes) Minor updates to reflect the return of landlord services previously managed by Lewisham Homes to Lewisham Council	
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