

Document Name:	Access Policy
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Our Vision

Our Housing Service vision is that all homes in East Suffolk are safe, suitable, and sustainable, in communities where residents are proud to live.

This vision supports the Sustainable Housing theme in the Council's Corporate Strategy: Our Direction 2028.

Equality and Diversity Statement

East Suffolk Council is intent on ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; sex; marriage & civil partnership; race; religion or belief; sexual orientation; gender reassignment; pregnancy & maternity and socio-economic deprivation.

This document complies with the Council's equality & diversity policy.

1. Introduction

- 1.1. This policy outlines East Suffolk Council's (ESC) approach to obtaining access to tenants' homes (including gardens and other outside areas). It covers:
- When we may need to access homes
 - What we'll do if we are unable to gain access homes
 - The responsibilities of tenants
- 1.2. This policy does not relate to obtaining access to properties as part of the repossession process, nor where we consider a property has been abandoned.

2. Relevant Legislation

- Defective Premises Act 1972
- Health and Safety at Work etc. Act 1974
- Housing Act 1985
- Landlord and Tenant Act 1985
- Local Government (Miscellaneous Provisions) Act 1982
- Housing Act 1988 – Section 16
- Environmental Protection Act 1990
- Electrical Equipment (Safety) Regulations 1994 and Plugs and Sockets etc. (Safety) Regulations 1994
- Gas Safety (Management) Regulations 1996
- Housing Act 1996
- Gas Safety (Installation and Use) Regulations 1998
- The Management of Health and Safety at Work Regulations 1999
- Equality Act 2010
- Localism Act 2011
- Prevention of Social Housing Fraud Act 2013
- Antisocial Behaviour, Crime and Policing Act 2014
- Homes (Fitness for Human Habitation) Act 2018
- Social Housing Regulation Act 2023

3. Policy Details

- 3.1. ESC may need to access homes for many reasons, including:
- To inspect the condition of the property
 - To carry out servicing or a repair
 - To investigate a possible breach of tenancy
 - To carry out an emergency repair

- We suspect there is any serious health and safety risk to tenants or other households in a communal block
- There is a concern regarding the welfare of any occupant of the property

3.2. Section 3 of the ESC tenancy agreement details tenants' rights and responsibilities in relation to providing access to their homes. In summary:

- Tenants must give access to the approved gas contractor so they can carry out the yearly gas safety check.
- Tenants must allow ESC officers, or anyone carrying written authorisation from ESC, to enter their property to inspect it or to carry out repairs or improvements. If tenants do not allow ESC access, ESC must give the tenant 48 hours' notice in writing before ESC visits and must tell the tenant what time they will call.
- Tenants must allow ESC to enter their home to carry out any work for as long as it is necessary to do the work.

3.3. When we need to access a tenant's home, we will make reasonable attempts to contact the tenant first, including contacting their family and other people they know who may or may not live with the tenant. This will be done without disclosing personal information. However, there may be urgent situations where we're unable to let the tenant know in advance.

3.4. At least three attempts will be made to gain access to the property.

3.5. Tenants are expected to be available for any scheduled appointment at their home, and to contact ESC if they are unable to keep to an appointment. Tenants may be recharged for failing to allow us access for any scheduled appointments. See our Recharge Policy for further information. (Add link when approved).

3.6. Tenants must allow ESC, or our contractors, into their home when we request it or if they request a repair or inspection. ESC and contractors will always show identification when visiting tenants at home.

3.7. We will contact tenants in the best way for them. It's important that they make us aware if they have a support or communication need, so we can help. This includes tenants having someone with them for the visit, and to let us know about someone else who can give us access if they're not able to when we need to enter.

What we will do if tenants don't allow us access:

3.8. If tenants do not allow us access, they may be in breach of their tenancy, and we may take legal action.

- 3.9. If tenants refuse access after reasonable requests, we may:
- Serve a Notice of Seeking Possession letting them know of our intention to seek possession of their home.
 - Ask the court for an injunction or warrant to allow us access into the home and we will request our legal costs are covered by the tenant.
- 3.10. If tenants have repeatedly refused access, we may also ask the court to grant an injunction to allow us ongoing access to their home for a specific reason e.g. electrical testing.
- 3.11. If access to tenants' homes is not provided for essential safety checks— including, but not limited to, annual gas safety inspections, fire safety inspections, electrical safety tests, remedial works, or rewiring—we will apply for an injunction or warrant through the court to gain entry and ensure these works are completed. This also applies to any other circumstances where access is reasonably required to maintain safety, compliance, or the condition of the property.
- 3.12. If the tenant continues to refuse reasonable access, we may apply to the court for possession of their home.
- 3.13. Tenants may become liable for any costs incurred by the council for entry to the property e.g. lock changes, contractor or professional fees, and legal fees.

When we will enter a tenant's home without permission

- 3.14. ESC will only enter a tenant's home without their permission in exceptional circumstances, where:
- We have identified a serious health and safety risk to the occupants and others
 - There is likely to be damage to the building if immediate action is not taken
 - There is an immediate concern for the wellbeing of someone in the property
- 3.15. Examples of exceptional circumstances can include, but are not limited to:
- A water leak and the tenant is not contactable and there isn't anybody else who can allow ESC access
 - An expired gas certificate and the tenant is not contactable and there isn't anybody else who can allow ESC access
 - An immediate welfare concern for the tenant(s) and/or occupants
 - Compliance related concerns which require immediate inspection or repair for electrical, fire safety or severe damp and mould.

- 3.16. In an emergency, for example a suspected gas leak or structural concerns, ESC will not enter. We will immediately contact the relevant emergency services and utility company.
- 3.17. If there is any possibility an occupant could be ill or has died, ESC will contact the police and ask them to enter the property with us.
- 3.18. ESC will only enter without the tenant's permission as a last resort.
- 3.19. If an emergency arises out of hours, the Out of Hours (OOH) duty manager (for housing) will decide whether we should enter the property. Our OOH service is a telephone response service. OOH employees on duty will only attend a property in exceptional circumstances, and never on their own.

4. Appeals

- 4.1. Tenants who wish to challenge a decision made under this policy may do so through East Suffolk Council's Customer Feedback Policy. If the tenant remains dissatisfied, they may escalate the matter to the Housing Ombudsman or seek independent advice.

5. Roles and responsibilities

- 5.1. The Strategic Lead for Housing Services, Strategic Lead for Regulatory Compliance and Strategic Lead for Repairs and Maintenance are responsible for ensuring that this policy is adhered to.

6. Policy Review

- 6.1. This strategy will be reviewed every three years unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.

7. Version Control

Version:	Date:	Author:	Rationale:
1.0	July 2025	Housing Policy and Regulation Officer	New Policy