



LHP No Access Policy

2024 - 2025

LHP No Access Policy

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Policy Links:	Health & Safety Policy Landlords Building Safety Compliance Policy

Brief Policy Summary:

This policy sets out LHP's approach to gaining access to properties for Building Health & Safety and Compliance inspections and works, reactive repairs and tenancy related visits when access has been refused.

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Section 1 - Compliance

Purpose

1. The purpose of this policy is to provide clarity on the measures which LHP will undertake to ensure that it complies with the HSE (Health & Safety Executive) requirement to be able to demonstrate it has undertaken appropriate measures to gain access to a property to meet its statutory or policy obligations in relation to building health and safety.

Objectives

2. The objectives of this policy are to give clarity on:
 - When legal action will be undertaken to gain access.
 - Circumstances where it would not be appropriate to take legal action relating to health and safety-related requirements.
 - The way in which records are kept thereby ensuring that LHP can demonstrate that it has complied with HSE and other regulatory guidance in relation to accessing properties to achieve statutory health and safety compliance.

Scope

3. This policy covers but is not limited to:
 - The Landlords and Tenants Act 1985
 - Building Safety Act 2022
 - Defective Premises Act 1972
 - The Health and Safety at Work etc. Act 1974
 - The Housing Act 2004 which introduced the Housing Health and Safety Rating System (HHSRS) and the Housing Health and Safety Rating System Regulations 2005.
 - Regulatory Reform Order (Fire Safety) 2005
 - Fire Safety Act 2021
 - Fire Safety (England) Regulations 2022
 - Gas Safety (Installation & Use) Regulations 1998 (as amended)
 - Control of Asbestos Regulations 2012
 - Provision & Use of Work Equipment Regulations 1998
 - Lifting Operation & Lifting Equipment Regulations 1998
 - Electricity at Work Regulations 1989

No Access

4. For each area of statutory compliance there will be an access procedure in place, which sets out the reasons for which access would be required and the timescales and means for informing tenants or leaseholders that action is required.
5. Common Parts: Where LHP does not hold keys to a common part or part thereof, LHP will write to all occupiers of the building who have access to that common part with an appointment date and time, for access to be granted.
6. Where access is not given to a common part of a building to carry out the inspection and LHP does not hold keys, LHP reserves the right to undertake a lock change with 24 hours' notice to all households in the block to enable the inspection to be completed and will issue a key if appropriate to any household which is required to access the common parts.
7. If it is found that locks to common parts, or parts thereof, where LHP is a keyholder are changed without consent, then LHP will undertake a lock change and recharge the apportioned cost of the lock change to all residents.
8. Where LHP requires access to a domestic rented property to carry out an inspection or health and safety-related work, including remedial works relating to any aspect of health and safety compliance, such as gas, electrical safety, fire safety and damp and mould, the organisation will follow the process outlined in the individual procedures.

Where access is not gained through writing to the customer or by other means including visits and calls, then legal action may need to be considered.

9. In determining whether legal action, or what type of legal action is appropriate, there is a need to ensure that the requirements of the checklist, attached at **Appendix 1 - Checklist Prior to Undertaking Legal Action for No Access** have been undertaken prior to any recommendations being made.
10. Legal routes available for no access: -
 - If the property appears to be abandoned a Notice to Quit will be served and the Court applied to, to give possession of the property.
 - Where the property appears, or is known, to be occupied an injunction will be sought to gain access to the property. Once this has been granted an appointment will be made and the property attended.
 - If the tenants refuse access at this point, there are three legal options available:
 - Serve a Notice of Seeking Possession and apply to the court for possession due to breach of tenancy
 - Apply to the court using the injunction for committal due to contempt of court.
 - Apply to the Local Authority to use their powers under the Environmental Protection Act 1990 to force access.

11. In line with the Gas & Fossil Fuel Safety Process, there is the option to cap off a gas fired system that has gone beyond its service date to ensure safety. This only applies where access to the gas meter shall not involve entering any internal parts of the property or forcing entry into any other areas.

Should this route be taken, then the following will apply in line with **Appendix 2 – Gas Capping Risk Assessment** and the following considerations:

- There are no vulnerability indicators assigned to customers within the property that may be adversely affected as a direct impact from the system being capped.
 - Evidence of 3 missed appointments, with letters sent to the customer for each appointment, or documented evidence held in our housing management system if appointment(s) booked via phone call or other means, and follow up home visit by Housing Officer.
 - Confirmation from Servicing Team that the meter is accessible and by capping the system it would not be to the detriment of the installed heating system.
 - Confirmation from the Compliance Team that the correct process has been followed as per the Gas & Fossil Fuel Safety Process up to this point.
 - Approval for Gas Capping Risk Assessment Completed
 - Approval for gas capping via an Executive Director.
12. Should all of the above points be met, then the Compliance Manager (or their nominated representative) shall make a formal request to an Executive Director, for permission for the system to be capped. Only when formal confirmation has been received can the system be capped off. Once a system has been capped off, then the process outlined in the Gas & Fossil Fuel Safety Process for managing capped supplies is to be followed.
13. Leaseholders
- Under the terms of an LHP lease, leaseholders are responsible for repairs and maintenance of the property. There are, therefore, a limited number of circumstances in which no access to a leasehold property would result in LHP being unable to fulfil its obligations under statutory health & safety compliance. The key area would be fire doors from a leaseholder's flats onto communal corridors.
 - Legal options which are open are to work with the local fire authority where they are willing to directly serve a notice on the leaseholder or, take legal action for breach of their lease through the First Tier Tribunal (FTT) or if the lease enables it seek an injunction to get the leaseholder to comply with their lease.
14. Circumstances where legal action is not appropriate:
- Vulnerable Customers - where customers are vulnerable especially due to mental capacity issues legal action cannot be taken. In cases like these LHP will demonstrably work closely with family members and support agencies to gain access.

- Hoarders – hoarding is a recognised mental health illness. While many will allow access, the access may not be safe for the member of staff that needs to carry out the inspection. A tenant identified as a hoarder will be flagged on the housing management system and a longer timescale will be given under the procedures to gain access to these properties and where appropriate a safeguarding referral shall be made to the relevant Local authority. This should be done through joint visits with the Housing Services Team and appropriate agencies. An action plan to complete the inspection in a safe manner needs to be agreed with the tenant and its implementation appropriately supported.
- LHP recognises that fuel poverty is a genuine issue for some of our customers. For occupied properties where the inspection has not been able to be completed due to no credit on the meter on the final visit the Engineer will put a £5 credit on the meter to enable the safety check to be completed. A referral will then be made to the Money Support Team to see if there is help which can be given to the customer.
- Damp and Mould – Should LHP require access to a rented property, to carry out an inspection or remedial works following an inspection or repairs raised by the customer relating to Damp and / or Mould, this will follow the same procedure as for Statutory compliance inspections. 3 attempts for access on appointments made by letter or phone call/other means of communication (evidence of this communication must be added to our housing management system per property) to the customer will be attempted, prior to legal options being considered. If legal action is required to gain access, this will follow section 4.3.3.

Legal Action for other reasons

15. Prior to any action being taken for possession of a property, the team which is leading on the legal action needs to check if there are any health and safety checks overdue or coming up within a 2-month period; if this is the case, they need to be included in the legal action which is being undertaken.

If access is gained these can be removed prior to going to court.

Management of Capped Gas Supplies

16. For a variety of reasons some of our properties may have the gas supply capped. This can be on the grounds of safety, at the request of a customer, if they have identified that they do not plan to use any gas fired appliances, or where there is a gas supply pipe to a cooker point which is not in use. In specific instances, a supply can be capped if it is going beyond its service due date where a gas capping risk assessment has been completed and authorised by the ELT prior to this action being undertaken.
17. To ensure that the capped gas supply continues to remain in a safe condition, the capped element of the meter will be inspected by a heating engineer on a regular basis, the frequency of which will be determined using the following risk based approach:

- Capped due to no access on gas service – quarterly
 - Capped due to tenant request – annual
 - Capped due to no current gas appliance in property – annual
 - Unknown reason for capping – quarterly until reason for capping confirmed
18. A register of capped supplies shall be formed within the asset register which will allow LHP to demonstrate which of its supplies are currently capped. This register will be maintained by the **Service Co-ordinator**, with the **Compliance Co-Ordinator** reviewing the information.
19. The gas capped register will be circulated amongst colleagues so that they are aware of any specific vulnerable customers who may require further assistance, such as welfare visits and/or referrals to support agencies.
20. LHP will carry out an annual check to all properties which, according to our records, do not have a gas supply/meter within their home.
- This will be programmed by the **Compliance Team**, with feedback populating the appliance register held in QL.

Record Keeping

21. It is critical for all safety-related inspections that detailed records are kept on core systems detailing any communication and visits undertaken to the property, especially when the normal access process has failed.
- This will mean that should an incident occur LHP will be able to demonstrate to the HSE and other enforcing authorities that we have followed our policy and taken all reasonable steps to gain access.

Performance Reporting

22. KPI reporting will be used to monitor performance in respect of gas access to properties and capped properties. Gas capping KPIs are under development as part of the further embedment of the gas capped risk assessment-based inspection programme. This process also applies to all safety inspection works, including but not limited to: Fire, Asbestos, Electrical, Water hygiene and LOLER.

Review

The policy should be reviewed annually by CLT/ELT.

Section 2 – Reactive Repairs No Access

Purpose

1. The purpose of this section of the policy is to provide clarity on how LHP will deal with no access to properties where reactive repairs have been reported.

No Access for Reactive Repairs Appointments

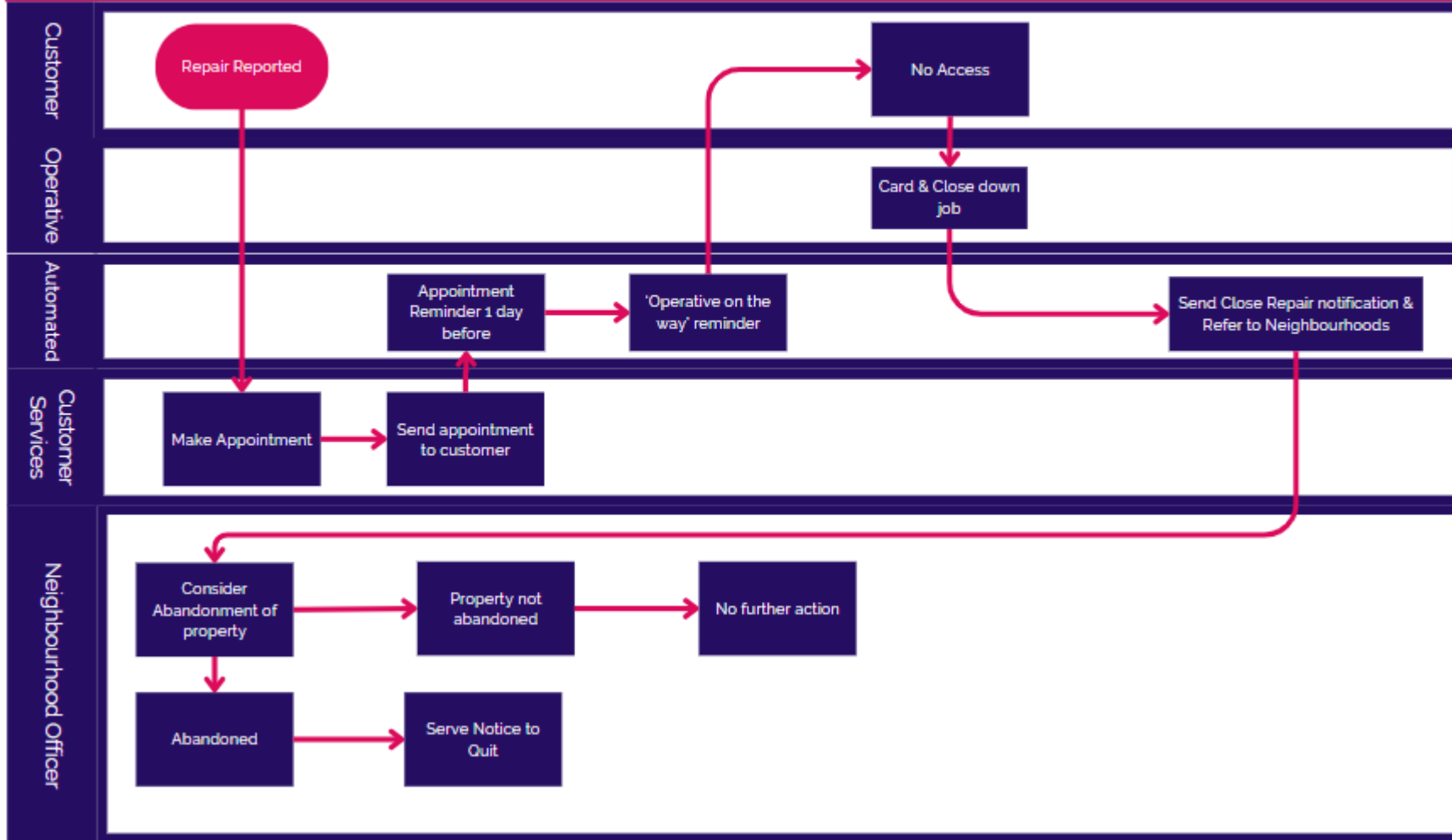
2. LHP Reactive Repairs Team will need to access customers' homes to complete repairs and keep the property in good repair.
3. This include but are not restricted to, repairs reported by the customer, and officers on home visits.
4. Issues with no access could be indicative of underlying issues such as hoarding or breach of tenancy related activities relating to the condition of a home and also where the property may have been abandoned.
5. If there is no access granted by the customer for LHP to complete the repair, this will trigger one of the two below processes, depending on if the repair is considered to be a Health & Safety risk.
6. Health & Safety risks are categorised within the Repairs & Maintenance Policy.

Record Keeping

7. All no access attempts for repairs will be recorded and monitored on QL housing management system to allow oversight.

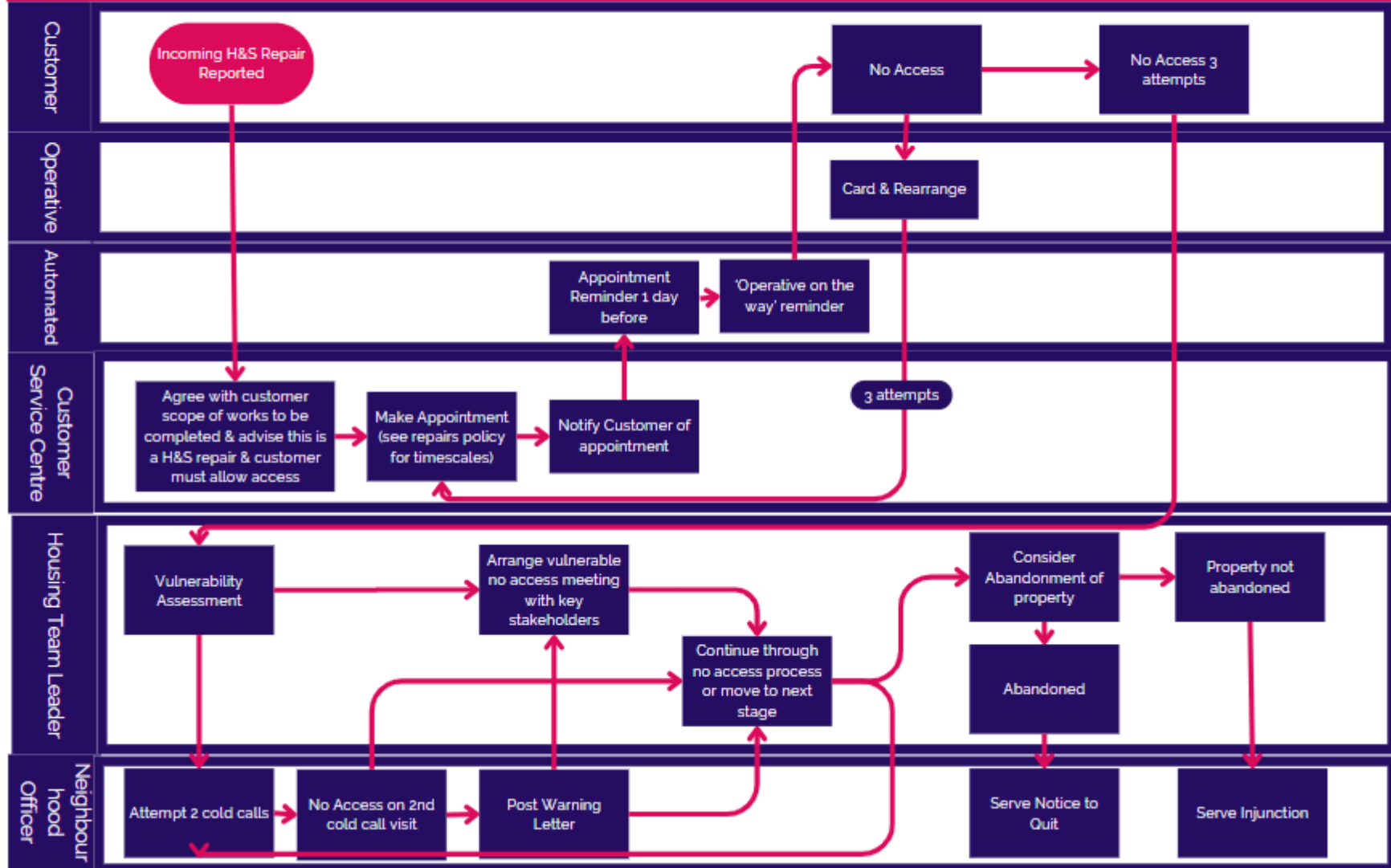
Reactive Repair - Non H&S - no access

LHP



Health & Safety Repairs- no access

LHP



Section 3 – Disrepair Claims No Access

Purpose

1. The purpose of this section of the policy is to provide clarity on how LHP will deal with no access to properties where a known repair is required as identified as part of a disrepair claim.

No Access for disrepair claims

2. When a disrepair claim has been received, LHP will agree with the claimant the scope of works to be completed, the duration in which these will be completed, and arrange post inspection of these works to sign off the claim.
3. Where customers do not allow reasonable access to complete the necessary repairs, this can impact the timescales of the claim.
4. Customers will be contacted directly by LHP in relation to the repair's timeline following agreed work specifications. This information will also be shared via legal teams as per the claim process.
5. If there is no access granted by the customer for LHP to complete the repairs, this will trigger the below process:
6. Customer vulnerability will be assessed in each case of no access to ensure that any reasonable adjustments can be made to meet the customer's needs, or to seek support and engagement from third party agencies where required.
7. Legal routes available for no access: -
 - If the property appears abandoned a Notice to Quit will be served and the Court applied to, to give possession of the property.
 - Where the property appears or is known to be occupied an injunction will be sought to gain access to the property. Once this has been granted an appointment will be made and the property attended. If the tenants refuse access at this point, there are three legal options available:
 - Serve a Notice of Seeking Possession and apply to the court for possession due to breach of tenancy
 - Apply to the court using the injunction for committal due to contempt of court.

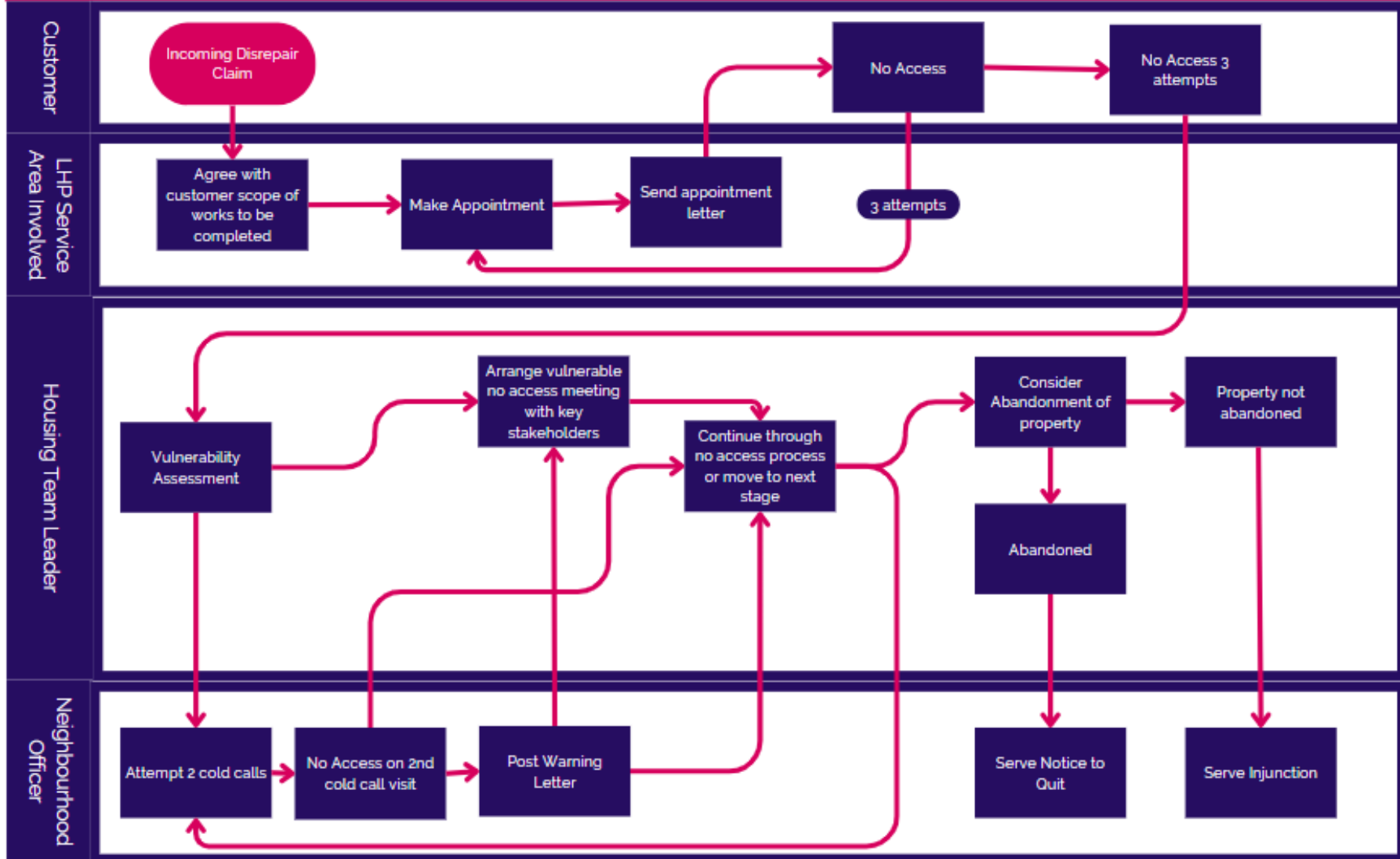
Record Keeping

8. All no access cases for disrepair claims will be recorded and monitored on SharePoint and via case management on the QL housing management system to allow oversight of cases.

Performance Reporting

9. Performance on disrepair claims, including those with no access cases will be reported in line with KPI's on a monthly and quarterly basis to CLT, ELT and the Board.

Disrepair Claims - no access



Section 4 – Housing Related No Access

Purpose

1. The purpose of this section of the policy is to provide clarity on how LHP will deal with no access to properties where essential tenancy related visits are required.

No Access for housing related visits

2. LHP Neighborhoods and Allocations Team will need to make essential visits to customers' homes to ensure the sustainment of a tenancy
3. This include but are not restricted to Starter Tenancy Visits and Customer Home Visits.
4. Issues with no access could be indicative of underlying issues such as hoarding or breach of tenancy related activities relating to the condition of a home and also where the property may have been abandoned.

If there is no access granted by the customer for LHP to complete a visit this will trigger the below process:

*NB: three access attempts prior to a vulnerability assessment is a guide, and officers should use their professional judgment to escalate to management at the appropriate time. On some occasions this may be prior to three non-access attempts and on other occasions, three or more non-access attempts may not be a cause for concern depending on the surrounding circumstances.

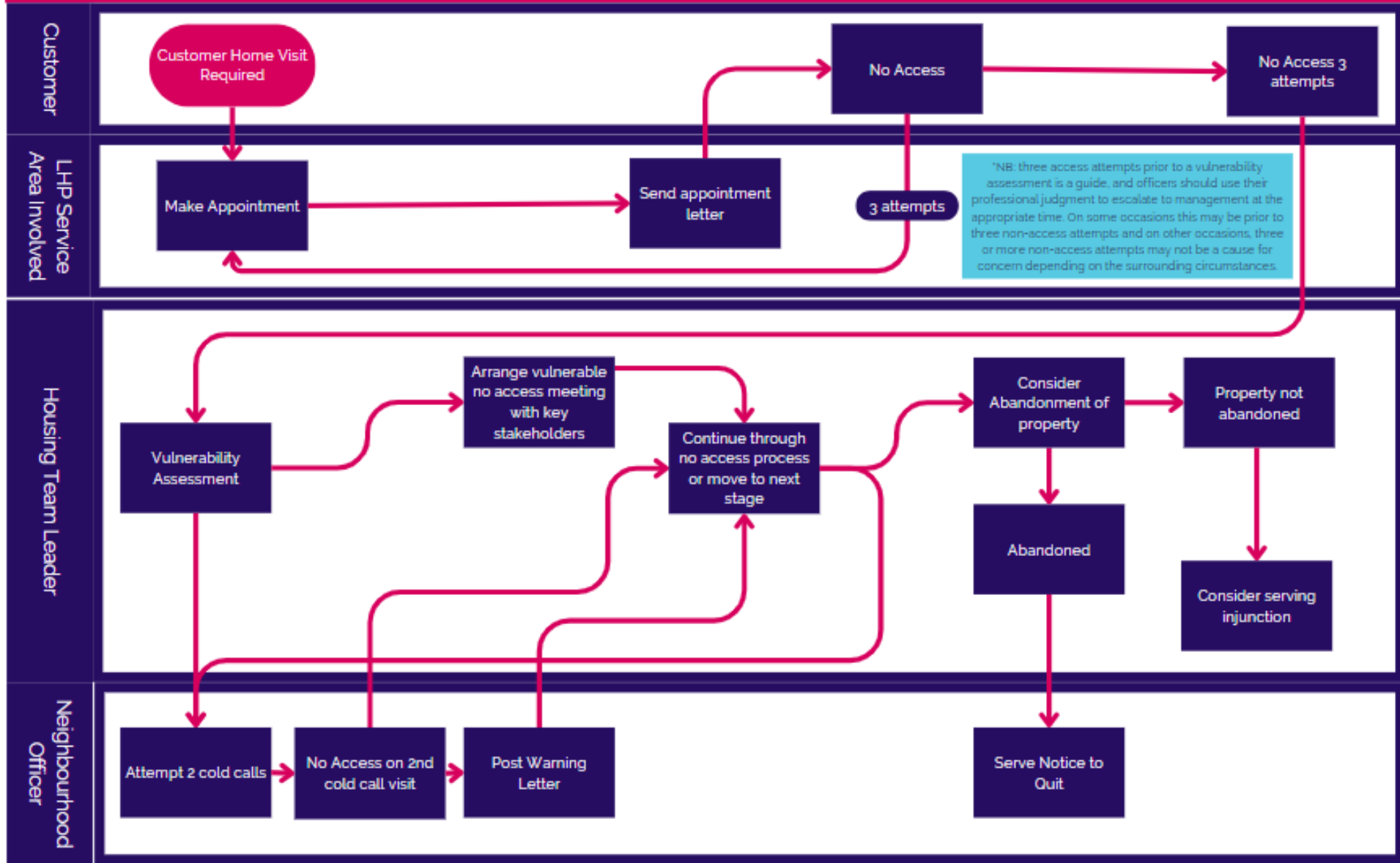
Record Keeping

5. All no access cases for housing visits will be recorded and monitored on QL housing management system to allow oversight of cases.

Performance Reporting

6. Performance on no access for home visits including those with no access cases will be reported in line with KPI's on a monthly and quarterly basis to CLT, ELT and the Board.

Housing Visit - no access



Appendix 1 - Checklist Prior to Undertaking Legal Action for No Access

Activity	Response	Comments
Is there a known reason (e.g. mental capacity or hospitalisation) why legal action would not be appropriate?	Yes/No	
Has the property been visited during working hours and out of working hours including weekends?	Yes/No	
Was the tenant in?	Yes/No	
Are there any vulnerable indicators on the system that need to be considered?	Yes/No	
Has all means of contact been taken to secure access, e.g., telephone, messaging etc.? List all dates of contacts	Yes/No	
Have the neighbours seen the tenant recently?	Yes/No	
Outcome of property visit? (Include evidence which might support action route e.g. photos)		
From visiting the property do we believe it could be abandoned.	Yes/No	
Has the next of kin been contacted, if not why?	Yes/No	
Details of dates and times of visits to the property:	Customer	
	Repairs	
Is there anything else which should be considered prior to starting legal proceedings?		
Recommended Action:		
Submitted by: Position: Date:		

Appendix 2 - Approval for Gas Capping Risk Assessment

Activity	Response	Comments
Family Composition		
Are there any vulnerable indicators on the system that need to be considered and give reason to why gas capping would not be appropriate?	Yes/No	
Has the property been visited during working hours and out of working hours including weekends?	Yes/No	
Outcome of property visit? (Include evidence which might support action e.g. photos)	Yes/No	
Has all means of contact been taken to secure access, e.g., telephone, messaging etc? List all contacts	Yes/No	
Have the neighbours seen the tenant recently?	Yes/No	
From visiting the property do we believe it could be abandoned.	Yes/No	
Has the next of kin been contacted, if not why?	Yes/No	
Details of dates and times of visits to the property as part of this process	Customer	
Is there anything else which should be considered prior to gas capping	Repairs	
Recommended Action		
Submitted by:		
Position:		
Date:		
Approved by:		
Position:		
Date :		

Appendix 3 - Equality Impact Assessment

No Access Policy			
Provide a brief summary of the aims and main activities of the initiative:			
This policy sets LHP's approach to gaining access to properties for Building Health & Safety & Compliance inspections and works when access has been refused			
Completed by	Corporate Head of Asset Management	Date:	17/05/2024

Guidelines: Things to consider

- Where a negative (i.e., adverse) impact is identified, it may be appropriate to make a full EIA (see Stage 2), or, as important, take prompt action to redress this – e.g., by abandoning or modifying the initiative. NB If the initiative contravenes equality legislation, it must be abandoned or modified.
- Where an initiative has a positive impact on groups/community relations, the EIA should make this explicit, to enable the outcomes to be monitored over its lifespan.
- Where there is a positive impact on groups, does this mean there could be an adverse impact on others, and if so, can this be justified? - e.g. Are there other existing or planned initiatives which redress this?
- It may not be possible to provide detailed answers to some of these questions at the start of the initiative. The EIA may identify a lack of relevant data, and that data-gathering is a specific action required to inform the initiative as it develops, and to form part of a continuing evaluation and review process.
- It is envisaged that it will be rare for full impact assessments to be required. Usually, where there are problems identified in the screening stage, it is envisaged that changing the approach at this stage, and/or setting up a monitoring/evaluation system to review a policy's impact over time will tackle the problem.

STAGE 1: SCREENING

This stage establishes whether a proposed initiative will have an impact from an equality perspective on any group of people or community – i.e., on the grounds of race, religion/faith/belief, gender (including transgender), sexual orientation, age, disability, or whether it is “equality neutral” (i.e., have no effect either positive or negative).

Q 1. Who will benefit from this initiative? Is there likely to be a positive impact on specific groups/communities (whether or not they are the intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality ‘neutral’ i.e. will have no particular effect on any group? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

All customers of Lincolnshire Housing Partnership

Q 2. Is there likely to be an adverse impact on one or more minority/under-represented or community group as a result of this initiative? If so, who may be affected and why: Or is it clear at this stage that it will be equality ‘neutral’? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

By design this policy has been prepared in order to address those customers who for whatever reason do not allow access to their home to LHP to affect planned and responsive repairs works and in each will be addressed individually ensuring that we meet wherever possible the needs of the customer.

Through this process no customer groups will be adversely impacted

Q 3. Is there sufficient data on the target beneficiary groups/communities? Are any of these groups under or over represented? Do they have access to the same resources? What are your sources of data and are there any gaps? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

All customer groups are represented through this single policy, data collected through housing management systems will be reviewed ensuring any themes and trends for groups with high no access rates can be identified. All customers affected by not granting access to their property will be provided with the support and resources needed to help sustain their tenancy.

Q 4. Outsourced services – if the initiative is partly or wholly provided by external organisations / agencies, please list any arrangements you plan to ensure that they promote equality and diversity. *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

N/A

Q 5. Is the impact of the initiative (whether positive or negative) significant enough to warrant a full impact assessment – see guidance? If not, will there be monitoring and review to assess the level of impact over a period of time? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

Consideration of customer vulnerabilities on a case-by-case basis. Information via Customer colleagues obtained in consideration of access and potential capping of service.

Q 6. To be completed at six monthly review. Detail actions taken to assess the level of impact over a period of time, or to address any gaps in data. *Please consider all aspect of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

N/A