

No Access Policy

Document Owner	Operations Director
Prepared by	Head of Property Safety Responsive Repairs Manager
Approved by	Directors Group
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Monitoring, Auditing and Reporting	1. Policy approval by DG 2. On internal audit programme

1. Scope and Aims

- 1.1. This policy covers all works to residents' homes that Hexagon Housing Association (Hexagon) is obliged to carry out.
- 1.2. This policy applies to tenants, Shared Owners and Leaseholders. The term residents refers to tenants, Shared Owners and Leaseholders collectively in this policy.
- 1.3. Hexagon's obligation is stipulated in residents' tenancy agreements and leases. In line with tenancy and lease agreement, tenants and leaseholders are required to give access to Hexagon in order that we can carry out our functions as a landlord.
- 1.4. Tenants are required to give Hexagon access to their home to allow us carry out our duties (or rights) as a landlord. These include but are not limited to the following:
 - 1.4.1. Emergency repairs, maintenance, or improvements
 - 1.4.2. Routine repairs, maintenance, or improvements (or inspections generally) including where disrepair claims are intimated (i.e. where it is alleged that Hexagon has not fulfilled its repairing obligations)
 - 1.4.3. Property safety works including Gas safety checks and annual servicing, Fire Risk assessments and fire safety works, legionella and asbestos inspection and works, electrical testing and electrical works.
 - 1.4.4. Stock condition surveys
 - 1.4.5. Improvements
 - 1.4.6. Visits to sustain tenancies and property management
- 1.5. The policy aims to ensure that Hexagon:
 - 1.5.1. Puts the wellbeing and safety of its residents first
 - 1.5.2. Complies with its legal obligations as a landlord
 - 1.5.3. Enforces its legal rights as a landlord
 - 1.5.4. Provides the best quality service to residents
 - 1.5.5. Maintains residents' homes to a high standard
 - 1.5.6. Seeks to identify, understand, and learn from issues that prevent residents from allowing access to reduce legal action

1.5.7. Ensures a robust escalation process is in place to provide the tenant with the opportunity to give access at a mutually convenient time while advising that it may lead to forced entry where no access is provided

1.5.8. To provide a fair and transparent process to gain access to the property where the resident has either not agreed to give access; or ignores any contact requesting access.

2. Equality and Diversity

2.1. Hexagon aims to understand the diverse needs of residents and deliver fair and equitable outcomes under this policy. We commit to considering reasonable adjustments in the delivery of our services to accommodate the diverse needs of residents and their household members.

2.2. This Policy will be enacted in line with our Vulnerable Residents and Reasonable Adjustments Policy and in compliance with our obligations under the Equality Act 2010 and the Regulator of Social Housing's Consumer Regulations.

3. Policy Statement

3.1. Hexagon has many legal, regulatory, and contractual duties as a social landlord. These include ensuring residents' homes meet national legal standards in terms of conditions, as well as ensuring the safety of all residents and visitors to these homes.

3.2. Hexagon and its contractors will always give reasonable notice of its need for access which will be at least 24 hours except in an emergency, where immediate access is required.

3.3. Legal action and/or legally compliant forced entry will only be used as a last resort.

3.4. Hexagon will communicate with residents throughout the process and seek to understand the reasons behind any difficulties with gaining access.

3.5. Hexagon will review a resident's support needs, including any communication or translation requirements, and make reasonable adjustments when implementing this policy. This will be done on a case-by-case basis and planned to avoid unnecessary delays.

3.6. Legally required compliance checks include gas safety checks, electrical installation condition report (EICR) checks, fire alarm servicing, and any future access requirements that may be deemed necessary for the landlord to meet regulatory requirements set out in the Building Safety Act 2022, the Fire Safety Act 2021 and any associated secondary legislation.

3.7. For non-emergency situations and legally required compliance checks, Hexagon, or our representatives, will contact a resident to arrange an appointment to access their home. Our representatives will follow their access procedures as set out in their contract and refer to Hexagon if access cannot be gained. Hexagon will then proceed as follows:

3.7.1. Stage 1 letter

3.7.2. Stage 2 letter: Pre-Action Letter from solicitor(s) informing of legal action taken

3.7.3. Issuance of injunction

3.8. Hexagon will make every effort to contact the resident throughout the process. Before issuing Stage 1 and 2 letters Hexagon will always attempt to speak to a resident to avert legal action and where possible, explain the importance of access and provide a resident with support where required.

3.9. Should we proceed with legal action, we may commence injunction, possession, and money judgment proceedings simultaneously. We will seek to recover any legal costs from the tenant or leaseholder.

3.10. For emergency situations where an incident that poses an imminent health and safety risk to the resident and/or their neighbours or to the property, Hexagon will gain entry after first attempting to contact the resident via telephone or at the property and informing the police, and without following the steps laid out in section 4.7 above.

3.11. The cost of a forced entry may be recharged to the respective tenant or leaseholder.

3.12. In advance of needing to gain access to one of our resident's homes where possible we'll provide as much information to help them develop an understanding around the importance of allowing access and where they have an option to decline or postpone work.

4. Data Protection

4.1. This Policy will be enacted in line with our Data Protection framework, and in line with the UK GDPR and Data Protection Act 2018.

4.2. Under this policy, personal data may be shared with contractors and third parties for the purposes of enacting this policy. Only the minimum personal data necessary to gain access or complete safety checks will be shared, and only with parties who require access for this purpose.

4.3. If you want more information about how your personal data is processed under this policy, please contact our data protection team at dprotection@hexagon.org.uk or call our office.

5. Legal Framework

5.1. Tenancy Agreement

5.2. The Gas Safety (Installation and Use) Regulations 1998 as amended by the Gas Safety (installation and Use) (Amendment) Regulations 2018.

5.3. These are supported by the Health and Safety Executive's (HSE's) Approved Code of Practice (ACOP).

5.4. Gas Safety (Installation and Use) Regulations 1998 (GSIUR) as amended. Approved Code of Practice and guidance

5.5. UK GDPR and the Data Protection Act 2018

5.6. Equality Act 2010

5.7. Human Rights Act 1998 – right to property (article 1 of protocol 1) and right to privacy (article 8) apply however the safety of residents would provide an objective justification with these rights due to it being a proportionate means to a legitimate aim.

5.8. Landlord and Tenant Act 1985 Section 11

5.9. Defective Premises Act 1972 Section 4

5.10. Environmental Protection Act 1990

5.11. Housing Act 2004

5.12. Building Safety Act 2022

5.13. Fire Safety Act 2021 and Fire Safety Regulations 2022

5.14. Social Housing Regulation Act 2023

5.15. Regulator of Social Housing Consumer Standards

6. Relevant Hexagon Policies and Procedures

6.1. Repairs Policy

6.2. No Access procedure

6.3. Gas Safety Policy and procedure

6.4. Hoarding Policy and procedure

6.5. Vulnerable Residents and Reasonable Adjustments Policy

6.6. Translation and Accessible Communication Policy

6.7. Data Protection Policy and Privacy Policy

6.8. Abandonment, Unauthorised Occupant & Sub-letting Policy

6.9. Anti-social Behaviour Policy

6.10. Tenancy Management Policy

6.11. End of Tenancy Procedure

7. Version Control

Version	Date	Updates
V2	Jan-26	Updated to make clear the policy applies to Shared Owners and to list legally required compliance checks