

No Access Policy 2021

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Approved by	<i>Directors Group</i>
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Document Owner	<i>Director of Property Services and Director of Housing Services</i>
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Lines of Defence/how is the document audited?	<ol style="list-style-type: none"> <i>1. Approval by DG</i> <i>2. Reviewed via Hexagon's Internal Audit programme</i>

1.0 Scope and aims

1.1 This policy covers all works to residents' homes that Hexagon is obliged to carry out but is unable to gain access. Hexagon's obligation is stipulated in residents' tenancy agreements and leases. 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:

- Urgent and emergency repairs, maintenance, or improvements
- 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)
- 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.
- Stock condition surveys
- Improvements
- Visits to sustain tenancies and property management

1.2 The policy aims to ensure that Hexagon:

- Puts the wellbeing and safety of its residents first
- Complies with its legal obligations as a landlord
- Enforces its legal rights as a landlord
- Provides the best quality service to residents
- Maintains residents' homes to a high standard
- Seeks to identify, understand, and learn from issues that prevent residents from allowing access to reduce legal action
- 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
- To provide a fair and transparent process to gain access to the property where the resident has either: to not agreed to give access; or ignores any contact requesting access

1.3 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.

2.0 Equality and Diversity Impacts

An initial screening has been made via Hexagon's equality impact assessment and there are no adverse equality impacts. This Policy will be implemented in accordance with Hexagon's responsibilities and duties under relevant legislation, including the Equalities Act 2010.

3.0 Consultation

Consultations completed with Property Services, Housing Services and Resident Advisory Group.

4.0 Policy Statement

- 4.1 Hexagon Housing Association 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.
- 4.2 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 would be required.
- 4.3 Legal action and/or legally compliant forced entry will only be used as a last resort.
- 4.4 Experience shows that in cases with difficulties gaining access, understanding of the reasons behind those difficulties, can result in lower legal costs and higher access rates.
- 4.5 Hexagon will review a resident's support needs and aim to address any relevant risks when implementing this policy. This will be done on a case-by-case basis and planned to avoid unnecessary delays.
- 4.6 For non-emergency situations and annual gas safety checks, Hexagon, or our representatives, will contact a resident to arrange an appointment to access their home. However, if the first appointment is missed by the resident Hexagon will then proceed as follows:

- a. Stage 1 letter
 - b. Stage 2 letter (Pre-legal action letter)
 - c. Pre-Action Letter from solicitor(s) informing of legal action taken
 - d. Issuance of injunction
- 4.7 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.
- 4.8 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.
- 4.9 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 4.6 above.
- 4.11 The cost of a forced entry may be recharged to the respective tenant or leaseholder.
- 4.12 In advance of needing to gain access to one of our residents 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.

5.0 Data protection and information sharing

- 5.1 Hexagon will comply with its obligations under relevant data protection legislation and regulations. There are some situations in which Hexagon are required by law to disclose information given to us.
- 5.2 Hexagon will share contact information with people working on our behalf and work with partner agencies to help gain access to our resident's homes.

6.0 Legal Framework

- Tenancy Agreement
- The Gas Safety (Installation and Use) Regulations 1998 as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018.
- These are supported by the Health and Safety Executive's (HSE's) Approved Code of Practice (ACOP).
- Gas Safety (Installation and Use) Regulations 1998 (GSIUR) as amended. Approved Code of Practice and guidance
- General Data Protection Regulations (GDPR) and the Data Protection Act 2018
- Equality Act 2010
- 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.
- Landlord and Tenant Act 1985 Section 11
- Defective Premises Act 1972 Section 4
- Environmental Protection Act 1990
- Housing Act 2004
- Building Safety Bill 2021
- Fire Safety Act 2021

7.0 Relevant Hexagon Policies and Procedures

- Repairs policy
- No Access procedure
- Gas Safety Policy and procedure
- Hoarding Policy and procedure
- Electrical Testing policy and procedure
- Data Protection Policy
- Abandonments, Illegal occupants & sub-letting policy
- Anti-social behaviour Policy
- Starter Tenancy Policy
- End of tenancy Procedure