

## Access Policy

### Version control

Avoid referring to printed versions of this document. Printed versions may be out of date.

|                                            |                       |                             |                                                 |
|--------------------------------------------|-----------------------|-----------------------------|-------------------------------------------------|
| <b>Owner/responsibility for compliance</b> |                       | Head of Housing Communities |                                                 |
| <b>Status (draft / approved and live)</b>  |                       | Approved and live           |                                                 |
| <b>Version no:</b>                         | <b>Date approved:</b> | <b>Approved by:</b>         | <b>Summary of changes made to each version:</b> |
| 1.1                                        | 8 October 2026        | Cabinet                     | New policy                                      |

## 1 Introduction

- 1.1 This policy is to support Swindon Borough Council ('the Council') in its function as a landlord to provide safe and effective housing management.
- 1.2 The Council is responsible for repairs and maintenance to our homes, communal blocks and other properties we own and manage, and for ensuring our residents are safe in their homes. This policy outlines the Council's approach to obtaining access to tenants' homes, including gardens and other outside areas.
- 1.3 This policy is to ensure our Cabinet, Corporate Management Team, colleagues, partners and tenants are clear on our legal and regulatory safety obligations. This policy provides the framework our colleagues and partners will operate to meet these obligations.
- 1.4 In developing this policy residents' and partnering agencies' views and feedback have been considered. An Equalities Impact Assessment has been carried out and there are no adverse implications.
- 1.5 The results of the Equalities Impact Assessment have been considered and there are no adverse implications or if there were these have been considered and mitigated.

## 2 Equality and diversity statement

- 2.1 Swindon Borough Council is intent on ensuring people or communities do not face discrimination or social exclusion due to socio-economic deprivation or any of the following protected characteristics:
  - Age
  - Disability
  - Sex
  - Marriage & civil partnership
  - Race

- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy & maternity
- **Legislation and guidance**

2.2 The legislation and guidance applicable to this policy includes the following:

- Landlord and Tenant Act 1985.
- Housing Health and Safety Rating System introduced under Part 1 of the Housing Act 2004.
- Electrical Equipment (Safety) Regulations 1994 and Plugs and Sockets etc. (Safety) Regulations 1994.
- Gas Safety (Management) Regulations 1996.
- Gas Safety (Installation and Use) Regulations 1998.
- Social Housing (Regulation) Act 2023.
- Awaab's Law.
- Prevention of Social Housing Fraud Act 2013.
- Antisocial Behaviour, Crime and Policing Act 2014.
- Regulatory Reform (Fire Safety) Order 2005.
- The Building Regulations 2010.
- Construction, Design, and Management (CDM) Regulations 2015.
- Defective Premises Act 1972.
- Workplace (Health Safety and Welfare) Regulations 1992.
- Provision and Use of Work Equipment Regulations 1998.
- Data Protection Act 2018.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Equality Act 2010

### **3 Scope**

- 3.1 This policy applies to all assets owned by the Housing Revenue Account and managed by Swindon Borough Council's Housing department.
- 3.2 This policy also applies to any property which is leased by or managed as social housing stock or used for the purposes of Temporary Accommodation for those experiencing homelessness, for which the Council owes a statutory accommodation duty.
- 3.3 This includes domestic dwellings (houses and flats), communal areas of any block containing such properties as Sheltered Housing, Supported Housing and Temporary Housing schemes.
- 3.4 The policy applies to all our colleagues, tenants, contractors, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities.

- 3.5 This policy outlines the Council's approach to obtaining access to tenants' homes (including gardens and other outside areas). It covers:
- When the Council may need to access homes.
  - What the Council will do if we are unable to gain access to homes.
  - The responsibilities of tenants.
- 3.6 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 where separate legal processes will be followed.

## **4 Approach**

- 4.1 The Council 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.
- 4.2 The Swindon Borough Council tenancy agreement details tenants' rights and responsibilities in relation to providing access to their homes. In summary:
- Tenants must give access to the Council's Operations team and approved contractors to undertake compliance and repairs activities, such as landlord gas safety checks, electrical safety checks, stock condition, etc.
  - Tenants must allow Council officers, or anyone carrying written authorisation from the Council, to enter their property to inspect it or to carry out repairs or improvements. If tenants do not allow access, the Council must give the tenant 24 hours' notice in writing before the Council visits and must tell the tenant what time they will call.
  - Tenants must allow the Council to enter their home to carry out any work for as long as it is necessary to do the work.
- 4.3 When the Council needs access to a tenant's home, the Council 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.
- 4.4 At least three attempts will be made to gain access to the property.
- 4.5 Tenants are expected to be available for any scheduled appointment at their home, and to contact the Council if they are unable to keep to an appointment. Tenants may be recharged for failing to allow us access for any scheduled appointments.

- 4.6 Tenants must allow the Council, or the Council's contractors, into their home when we request it or if they request a repair or inspection. The Council and contractors will always show identification when visiting tenants at home.
- 4.7 The Council 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 the Housing team can help. This includes tenants needing a chaperone and letting the Council know of someone else who can give us access if the tenant is unavailable on the date of the visit.

## **5 What we will do if the tenants don't allow the Council access**

- 5.1 If tenants do not allow the Council access, they may be in breach of their tenancy, and the Council may take legal action.
- 5.2 If tenants refuse access after reasonable requests, the Council may:
- Serve a Notice of Seeking Possession letting tenants know of the intention to seek possession of their home.
  - Ask the court for an injunction or warrant to allow the Council access into the home.
- 5.3 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, stock condition surveys, rewiring, or remedial works - the Council 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
- 5.4 If the tenant continues to refuse reasonable access the Council may apply to the court for possession of their home.
- 5.5 Tenants will 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.

## **6 When we will enter a tenant's home without permission**

- 6.1 The Council will only enter a tenant's home without their permission in exceptional circumstances, where:
- There is an identified 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.
- 6.2 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 the Council access.
  - An expired gas certificate and the tenant is not contactable and there isn't anybody else who can allow the Council 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.
- 6.3 In an emergency, for example a suspected gas leak or structural concerns, the Council will not enter. We will immediately contact the relevant emergency services and utility company.
- 6.4 If there is any possibility an occupant could be ill or has died, the Council will contact the police and ask them to enter the property with us.
- 6.5 The Council will only enter without the tenant's permission as a last resort.
- 6.6 If an emergency arises out of hours, the Out of Hours (OOH) duty manager will decide whether we should enter the property. Our Out of Hours service is a telephone response service. Out of Hours colleagues on duty will only attend a property in exceptional circumstances, and never on their own.

## **7 Appeals**

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

## **8 Monitoring and review**

- 8.1 This policy will be reviewed every two years or sooner if legislation or regulations change.