



Solihull
Community Housing
Shaping our neighbourhoods

No Access Policy

Lead officer:	Head of Property Services and Building Safety Head of Housing and Neighbourhoods
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Approval Chain:	SCH Executive Leadership Team Tenant VIP Panel
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Version Control:

Version	Date	Reason for Change
1.0	27 May 2026	New Policy

Solihull Community Housing (SCH) manages and maintains council homes and delivers housing services on behalf of Solihull Metropolitan Borough Council (SMBC). Although SCH provides day-to-day housing services, the Council remains the owner of the housing stock and is your landlord. The Council retains the responsibility for ensuring your home is managed in line with the Consumer Standards.

1.0 Purpose

- 1.1 This policy details SCH's approach to obtaining access to residents' homes to fulfil the Council's statutory and regulatory duties as a responsible social housing provider.
- 1.2 The policy has been developed to ensure that SCH is fully compliant with all relevant legislation and regulations relating to tenancies, the Government Decent Homes Standard, building safety, and the standards set out by the Regulator of Social Housing.
- 1.3 SCH respects the privacy of our customers and their right not to be disturbed unnecessarily or at inconvenient times but recognises that there are some circumstances where it may be necessary to gain entry to a property. We are committed to working with tenants to reduce and prevent no access and refused access to properties, to enable us to fulfil our obligations and ensure our properties are safe and well maintained.
- 1.4 This policy outlines our approach to obtaining access to a resident's property for repairs, improvement works, in emergency situations, and when conducting a legally required compliance check.

2.0 Scope

- 2.1 This policy applies to all SMBC and SCH tenants, leaseholders, and residents occupying temporary accommodation, managed by SCH.
- 2.2 This policy does not relate to obtaining access to a property as part of the repossession process.

3.0 Policy objectives

- 3.1 The key policy objectives are to:
 - Ensure SCH can deliver its statutory and regulatory obligations
 - Define when SCH needs to access residents' homes
 - Make clear what is set out in all tenancy and leasehold agreements and resident responsibilities for providing access
 - Ensure a fair, transparent and consistent process
 - Take appropriate and proportionate action if a resident does not allow access
 - Demonstrate how a reasonable approach to access is adopted in non-emergency situations
 - Ensure that residents are kept informed of any implications and legal actions if access is not provided
 - Set out SCH's approach to working in partnership with external support and advocacy agencies where a resident is known to be vulnerable or where there may be communication barriers
 - Protect tenants' rights and comply with relevant legislation
 - Set out how we will ensure compliance with ongoing legal and regulatory requirements

- Set out how emergency access requirements will be followed where there is an immediate health and safety risk to the occupants or to the building

4.0 Reasons for access

4.1 SCH has a legal duty to ensure that we provide safe and legally compliant homes for all residents and to ensure compliance with all relevant legislation.

4.2 SCH may need to access homes for many reasons including (but not limited to):

- Carrying out servicing, refurbishment, or a repair
- Responding to emergency situations (property or person related)
- Undertaking planned property improvements
- Gas safety checks
- Fire safety surveys
- Electrical safety checks
- Asbestos surveys and works
- Damp/mould/condensation (DMC) inspections and works, including post inspections to ensure DMC has been eradicated
- Surveys or works to control the risk of legionella
- HHSRS (Housing Health & Safety Rating System) inspections, that relate to a known hazard
- Service and maintenance of personal lifts, including stair-lifts and telecare equipment
- Carrying out an inspection or Home Improvement Survey
- Tenancy audits, tenancy checks, and to investigate a possible breach of tenancy
- Ensuring compliance with legal, health and safety regulations, and compliance with tenancy or licence agreements

5.0 Planned access

5.1 We will always strive to arrange an appointment for a repair, improvement works, safety checks or visit. Once a visit is agreed, SCH requires a responsible adult (someone aged 18+) to be present at the premises to grant access. If no adult is present, it will be recorded as no access given.

5.2 SCH will make all reasonable attempts to arrange a planned appointment by one or more of the following:

- Writing in advance outlining why access is required and providing a proposed date and details of how to contact SCH to make an alternative appointment if the one proposed is not convenient
- Contacting by telephone, email or other digital methods to secure an appointment date
- Making a home visit to book an appointment date
- Working with an advocate to arrange an appointment if this is in place

5.3 SCH will repeat the above attempts to maximise the opportunities to secure appointments by arrangement, **on three separate occasions**. This will either be directly from SCH or from contractors working on our behalf.

5.4 SCH will formally record all access attempts and associated communications as evidence of our efforts to gain access.

5.5 Where tenants fail to provide access or advise why, SCH may also, depending on individual circumstances, and the urgency of the access required, deploy additional measures to secure access:

- Attempt contact with the next of kin or anybody listed as having caring responsibilities
- Contact neighbours
- Contact with known external support and advocacy groups and internal teams who are already working with the tenant

5.6 In all attempts to gain access, SCH will endeavour to use preferred communication methods where these are known e.g. where English is not spoken as a first language and will keep a record of all the attempts it makes.

6.0 Access for compliance checks

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

6.2 For all compliance checks, we will carry out the process detailed in section 5 of this policy, making every effort to contact the tenant. Where these efforts have been unsuccessful and the compliance certificate is about to expire, **we will take legal action and seek to recover associated costs from the resident/tenant.**

7.0 Access in an emergency

7.1 Whilst SCH will always attempt to obtain prior consent before entering a property, in certain circumstances, it may be necessary to enter a property without consent.

7.2 SCH will only force entry where there is a reasonable assumption that there is a threat to the health and safety of individuals, it is safe to do so, and/or failure to act may result in property damage, and waiting for an injunction or for planned access with the resident would result in a significant risk of harm to people or property.

7.3 Non-exhaustive examples where forced entry may be required include:

- A water leak or flood that cannot be contained and/or has compromised electrics
- A gas leak/gas escape
- A carbon monoxide leak

7.4 We will always consider if the issue can be resolved without having to enter the property, for example, by turning off the water, gas or electric supply externally.

7.5 Where there is a genuine and immediate concern for a resident's wellbeing, such as a suspected medical emergency, or we suspect that a violent or criminal incident is taking place, SCH will contact the Police to request they are in attendance to force access.

- 7.6 SCH will co-operate with other key agencies and partners where access to a property is required, including where there is risk to life, and safeguarding issues. Examples of such partnerships would include the Police, Fire Service and other emergency services, NHS and Adult Social Care, the Health and Safety Executive, Building Control and Environmental Services.
- 7.7 Where SCH is required to gain emergency access, we will ensure that:
- The property is left safe and secure
 - Any damage is limited as far as practically possible
 - Follow up attempts are made to contact the tenant(s) to inform them of the actions undertaken if they are not present at the time access is gained
 - Where a lock change has been necessary for access, SCH will endeavour to leave messages or notification to the tenant of how they can obtain their replacement keys
 - We take photographic evidence of the property by means of an inventory and/or as evidence for legal action that may follow
- 7.8 If SCH is required to gain access in emergency situations to remedy a fault that is found to be of the occupants making, we reserve the right to recharge the tenant for all works undertaken, e.g. where taps have been left running causing flood damage.
- 8.0 Legal actions if access is not provided, or refused**
- 8.1 In most cases, planned appointment measures usually result in access being agreed. However, there are occasions where SCH may be required to take tenancy or lease enforcement actions to secure access. This may include:
- Applying for injunctions or warrants from the courts to enforce 'right of access'
 - Serving 'Notices of Seeking Possession' for breach of tenancy and applying to the courts to bring the tenancy to an end
 - Serving 'Notice to Quit' where it is reasonable to assume that the tenant has 'abandoned' their home
- 8.2 If a tenant refuses to let SCH in, they are breaking the terms of their tenancy agreement. If this continues, we may ask the court for an injunction giving us permission to access the property. An injunction is likely to include a provision allowing SCH to access the property via a lock change if access is not granted. Before going to court, we must show that we have made reasonable attempts to arrange access and that taking this step is necessary and fair.
- 8.3 SCH will only pursue the above legal remedies for gaining access to properties when all other reasonable attempts of contact and access by agreement have been exhausted.
- 8.4 Where SCH incur costs in making court applications as a result of refusal to grant access, **SCH reserves the right to make cost applications and for them to be made payable by the tenant.**

9.0 Exceptional circumstances

- 9.1 SCH may only accept refusals by tenants or leaseholders, for work to be undertaken, in exceptional circumstances. Officers will help and support all residents throughout any works undertaken and aim to minimise the inconvenience as far as possible. Examples include (but are not limited to):
- Being medically unfit or going through a prolonged illness
 - Having ongoing and/or significant medical treatment
 - Having a disability and having no-one to assist them to prepare for the works
 - Caring for someone who is terminally ill in the house
 - Having recently been discharged from hospital and still recuperating
 - Recently having been bereaved
- 9.2 The list above is not exhaustive and there may be other exceptional circumstances that arise. SCH will always take these into account and use discretion as to whether works should commence and will work with customers to support as necessary.
- 9.3 SCH will not consider the above circumstances to be exceptional where there is a threat to life, health or property, or where gas and electrical compliance, or other compliance works are due/overdue.

10.0 Safeguarding

- 10.1 Concerns for children, young people and vulnerable adults will be handled in line with the Council's Safeguarding Policy and Procedures.

11.0 Development of policy

- 11.1 SCH recognises the importance of clear and effective communication in the services they provide. To achieve this, SCH will consult with our involved tenants on this policy before it becomes a live document.
- 11.2 Incorporating tenant input into the development of this policy enables SCH to enhance its approach to accessing homes, ensuring that the approach taken is reflective both of customer needs and our legal obligations.

12.0 Related documents

- 12.1 This policy should be read in conjunction with the following:

- Asbestos Policy
- Fire and Building Safety Policy
- Damp, Mould and Condensation Policy
- Gas Safety Policy
- Electrical Safety Policy
- Water Safety Policy
- Lift Safety Policy
- Complaints Policy
- Equality, Diversity and Inclusion Policy
- Responsive Repairs Policy
- Tenancy Management Policy
- Unreasonable Communication Policy

- Tenancy/License/Lease Agreements
- Vulnerability and Additional Needs Policy

13.0 Roles and Responsibilities

- 13.1 The Head of Property Services and Building Safety has responsibility for ensuring this policy is in place, up to date, relevant, and being delivered.

14.0 Legal framework

- 14.1 SCH is committed to ensuring that its No Access Policy aligns with all relevant legislation and statutory requirements. Through the implementation of this policy, SCH seeks to fulfil its legal duties and responsibilities, including (but not limited to) compliance with the following:

- Protection from Eviction Act 1977
- Landlord and Tenant Act 1985
- Defective Premises Act 1972
- Housing Act 1988 and Housing Act 2004
- Building Safety Act 2022
- Gas Safety (Installation and Use) Regulations 1998 (as amended 2018)
- Gas Safety (Management & Right of Entry) Regulations 1996
- Homes (Fitness for Human Habitation) Act 2018
- Fire Safety Act 2021
- Social Housing (Regulation) Act 2023
- Equality Act 2010
- Environmental Protection Act 1990
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

15.0 Equality and diversity

- 15.1 We will ensure that individual needs are considered throughout the reasonable adjustments process and make changes where necessary. However, as access for compliance is prescribed by law, there are no exceptions to gaining access to homes for this purpose.
- 15.2 SCH will treat people fairly and with dignity and respect. All staff are trained in Equality, Diversity and Inclusion to embed understanding about where we may need to adapt normal policies, procedures and ways of working to accommodate residents' individual needs.

16.0 Reasonable adjustments

- 16.1 SCH is committed to ensuring that discretion is used in cases of identified vulnerabilities such as disability, age, domestic abuse, concern for welfare, or any other identified need. SCH will use information provided by customers and held in our systems to assist in identifying such data. We will also ask customers if there are any issues that need to be considered to help us make appropriate decisions when we require access to a property. We aim to provide fair and equal access to our services and will complete a Fair Treatment Assessment to ensure no-one is excluded or unfairly treated.
- 16.2 We recognise that everyone's needs are unique, and reasonable adjustments will be considered based on these needs. We will discuss the specific requirements with the tenant and work together to identify what may be reasonable and appropriate in the

circumstances. We will not make any assumptions about whether a tenant requires any adjustments or about the type of adjustments needed.

17.0 Monitoring and review

- 17.1 We will monitor the effectiveness of this policy through relevant performance information and customer feedback.
- 17.2 Board members and SMBC are responsible for overseeing delivery of our duties. To do this, they will receive updates about performance of services at frequent intervals.
- 17.3 Customer feedback received via transaction surveys and Tenant Satisfaction Measures will be used to actively improve the service being offered.
- 17.4 This policy will be reviewed every three years by the Head of Property Services and Building Safety unless there are any significant changes to current legislation or regulation, good practice or guidance, or as the result of the outcome of an incident review or Ombudsman determination.
- 17.5 Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

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