

NEWHAM COUNCIL HOUSING SERVICES NO ACCESS POLICY

Document Control

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Policy Change History

Version	Date	Description	Approved By
1.0.	17/12/25	Initial publication of the No Access Policy	Cabinet Accountability Portfolio Meeting
2.0.	16/06/26	Operational changes made clarify access requirements, strengthen management of no-access cases, improve safeguarding and escalation arrangements, and clarify powers of entry	Housing Senior Leadership Team Meeting

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1. Purpose

- 1.1. This policy sets out the Council's approach to gaining access to residents' homes and to cases where no access is granted. Its intention is to:
 - promote resident safety, safeguarding, and the Council's compliance with statutory obligations
 - explain resident responsibilities
 - prevent delays for inspections and carrying out essential repairs
 - support early intervention in cases of vulnerability or risk
 - minimise use of enforcement by encouraging cooperation and communication
- 1.2. The policy covers all occasions where lawful access is required, which includes but is not limited to access to carry out repairs and inspections including:
 - fire or building safety inspections, works or vulnerability assessments
 - asbestos, and legionella
 - electrical testing
 - responsive and planned repairs and refurbishment, and to inspect the state of any repairs or improvements
 - gas safety checks
 - carbon monoxide testing
 - for pest control inspections or treatments
 - stock conditions surveys.
- 1.3. It also includes access and visits relating to general tenancy management including:

- visits following reports of anti-social behaviour or safeguarding concerns
- tenancy audits, general property inspections or occupancy checks.

2. Scope

2.1. This policy applies to all LBN-managed residential housing stock, including:

- general needs housing
- sheltered housing
- temporary accommodation
- leasehold properties where communal safety or compliance is affected by non-compliance.

2.2. The policy must be followed by all officers and operatives who are seeking to access a Council owned and managed property, including but not limited to:

- Housing Liaison Officers
- Officers in the No-Access Team
- Operatives from the Repairs and Maintenance Service

3. Council Responsibilities

- 3.1. The Council has legal duties as a social landlord to ensure that our homes comply with safety regulations and legal standards. If we are unable to access a property to carry out legally required repairs, maintenance and safety inspections, this may place the safety of residents in that property, as well as that of other residents in the same building, at risk.
- 3.2. We also have responsibilities as a local authority to prevent harm and/or abuse to our residents, especially where they may be vulnerable, and to investigate any safeguarding concerns.
- 3.3. Council officers are expected to exercise professional curiosity about the work they do and the individuals they are engaged with as part of their work.
- 3.4. In carrying out their duties, officers are also expected to assess any risk to the resident, their household, other residents in the block or estate, and Council staff, and to take a proportionate, risk-based approach to facilitating access to properties.
- 3.5. The Council must take into consideration any protected characteristics (such as disability) that might mean that tenants or leaseholders are unable or unwilling to grant access and make any reasonable adjustments to facilitate that access.

4. Resident responsibilities

- 4.1. It is important that all residents co-operate with the Council's housing officers and contractors to ensure access is facilitated when appropriate notice is given. Residents must allow Council officers and contractors into their home when requested. Appropriate identification will always be shown. Residents and owners in high rise blocks have additional duties meaning they must not act in a way that creates a significant risk of a building safety risk materialising. The Council may request access to a home for reasons connected to building safety purposes and apply for a court order to enforce the request if access is not given.

- 4.2. The safety of all occupants is the paramount concern. Failure by a resident to grant access when required could put at risk their health and safety and that of their household, their neighbours and/or Council staff.
- 4.3. In addition, because properties must be lawfully occupied and properly used, it is important that residents provide access to homes when required.
- 4.4. When an appointment has been arranged, a responsible adult (aged 18 years+) must be present to allow access to the home. If not, the Council will record the visit as "no access".
- 4.5. Where a resident is not going to be home for an appointment, they need to contact the Council in advance to rearrange. If they do not, the Council may recharge the resident for the costs incurred by the failed visit.

5. Access for routine repairs

- 5.1. If the Council needs access to a resident's home, it will work with the resident to arrange a mutually convenient time and date to visit. Unless the visit is an emergency, the Council will always try to pre-arrange an appointment.
- 5.2. The Council will always give at least 24 hours written notice and clearly communicated appointment time. Except in cases of emergency, when the Council will give as much notice as is possible.

6. Failure to grant access

- 6.1. In cases of routine repairs reported by the tenant, if the tenant fails to grant access at the appointed time following 24 hours' notice, the repair order will be cancelled and the tenant will be notified in writing that:
 - the repair remains outstanding
 - the Council requires access to complete the work
 - the tenant must rebook the repair when able to provide access

The Council will not pursue repeated appointment attempts where access is not granted for routine repairs, unless there are concerns relating to:

- resident or public safety
 - possible safeguarding concerns
 - vulnerability or inability to engage
 - serious disrepair or housing hazards
 - possible Category 1 hazards or imminent risks to health and safety
 - statutory compliance or building safety obligations.
- 6.2. Where there is a risk to health, safety or wellbeing, Council officers will make all reasonable endeavours to contact a resident to arrange access. Save for emergencies, where it is possible the initial request for access should be in writing. Attempts to gain access may include but are not limited to:
 - Email
 - Letter
 - Phone calls
 - Visits, including on evenings and weekends where practicable

- Contact with next of kin or other household members where we hold contact details
- Contact with neighbours
- Contact with social worker if applicable
- Requesting information from other housing and wider Council services (including Income Collection and Repairs and Maintenance Service) around recent contact
- Checks using third-party credit agencies where required

- 6.3. Where there is a risk to health, safety or wellbeing, officers will send at least three written communications, which may be either letters or emails as appropriate. Housing officers must record all attempts to gain entry to a property, as well as all contacts made with residents or their representatives to facilitate such access. The nature and frequency of contact attempts should be proportionate to the circumstances of the case, the urgency of the required access and any identified risk to health, safety or wellbeing
- 6.4. In such cases, officers should also try to identify any factors around the resident's health or personal circumstances that may be influencing access not being granted. Officers will exercise professional curiosity and consider whether non-engagement or refusal of access may indicate vulnerability, safeguarding concerns, self-neglect, exploitation, fear, or an inability to engage with services.
- 6.5. Officers must also record any personal circumstances, as well as any reasonable adjustments that have been agreed to facilitate access to the property. Where vulnerabilities or safeguarding concerns are identified, officers must consider whether referrals or joint working with relevant internal teams or partner agencies are appropriate.
- 6.6. These attempts will be stored on the Council's information management system. Accurate recording is essential to demonstrate that the Council has made reasonable endeavours to facilitate access and to support any subsequent management, safeguarding or legal action. This is to ensure that officers can provide evidence that the Council has made all reasonable endeavours to make contact to gain access.
- 6.7. In such cases, where repeated but unsuccessful attempts have been made to gain access to a property, Housing Officers will refer the case to their manager for consideration of further action to facilitate essential access, including enforcement action.
- 6.8. Any further action, including moving to enforcement action, must be appropriate, proportionate and reasonable. The action will be agreed by the Resident Services Manager and actioned by the relevant Housing Officer. The decision to take enforcement action must be made on a case-by-case basis, taking into consideration the evidence of attempts made, any reasonable adjustments offered, and the risk to health and safety of residents.
- 6.9. Where access cannot be achieved through reasonable attempts and risk or statutory obligations remain unresolved, the Council may consider legal or enforcement action, including:
- injunctions or court orders to obtain access
 - statutory enforcement powers where available
 - other lawful and proportionate legal remedies
- 6.10. Decisions about legal or enforcement action must be made on a case-by-case basis, taking into consideration:
- the evidence of attempts made to gain access
 - any reasonable adjustment offered

- equality and safeguarding consideration
- the level of risk posed to residents, neighbouring properties and Council staff
- the Council's legal and regulatory obligations.

6.11. The Council will continue to seek engagement with the resident while any legal or enforcement action is being considered or pursued.

7. When the Council will enter a home without the resident's permission

7.1. While the Council has powers to enter or force entry in emergency situations and certain legally authorised circumstances, it does not have a general legal power to force entry to a resident's home for routine repairs or inspections. Access will normally be achieved through resident consent following appropriate notice, a genuine emergency, or through a lawful legal or statutory enforcement route. Emergency entry powers do not create a general right to force access for routine repairs or inspections. Entry without permission will only be considered where there is a genuine emergency, a serious and immediate risk, or a lawful statutory or court authorised route. The Council will only enter a resident's home without permission in exceptional circumstances, for example because:

- The Council has identified a serious health and safety risk to the occupants and/or others
- There is likely to be serious or significant damage to the building if immediate action is not taken
- There is an immediate concern for the wellbeing of someone in the property
- The resident has breached an injunction and the court order allows the Council to gain entry

7.2. Types of exceptional circumstances might include:

- a water leak that cannot be contained and/or has compromised electrics
- a gas leak
- a carbon monoxide leak
- a possibility that an occupant could be seriously ill or has died.

7.3. In limited circumstances, the Council may exercise statutory enforcement powers available to it as a local housing authority, including powers under the Housing Act 2004 where serious housing hazards create an imminent risk to health or safety. These powers are distinct from the Council's role as landlord and must be exercised in accordance with statutory authorisation and procedural requirements

7.4. If we are concerned for the safety or wellbeing of someone inside the property we will contact the emergency services and invite them to attend when we enter. We take into account any health issues the resident has disclosed to us, including mental health issues, when forcing access in an emergency. The Council will only enter without permission as a last resort and where entry is necessary and proportionate to the identified risk. The decision must be authorised by the Programme Director (Tenancy Services), an Assistant Director of Housing or the Director of Housing. If an emergency arises out of hours, the duty officer will decide whether the Council or its contractors should enter the property.

8. Service standards and performance monitoring

8.1. The Housing Management service and the Housing Liaison Teams are responsible for overseeing the implementation of this policy and its associated procedure.

- 8.2. The concierge team may also be requested to assist with direct engagement efforts with residents, where appropriate.
- 8.3. The effectiveness of the associated procedure will be reviewed periodically and at least at the end of each phase of its activation, to ensure successful engagement with 'no contact' / 'no access' residents to consider any improvement from lessons learnt.

9. Equality and Diversity

- 9.1. Newham Council is committed to promoting equality of opportunity, good community relations and the prevention of all forms of unlawful discrimination in the way services are provided to residents.
- 9.2. In line with the Equality Act 2010, the Council aims ensure that no resident is treated less favourably on the grounds of gender, ethnicity, age, religion, sexuality or any other protected characteristic.
- 9.3. Some decisions involving residents may also be subject to individual equalities impact assessments (EqIAs). This is particularly common in cases involving enforcement and prosecutions, but may also apply to 'reasonable adjustments' in the way that the Council's staff interact with residents and the way and form in which we communicate messages to ensure our activities are effective and inclusive and not exclusionary and ineffective.
- 9.4. Protected characteristics under the Equality Act 2010 may include any form of disability, which may be particularly significant for effective communication with residents for essential access to properties. The Equality Act 2010 requires the Council to take the protected characteristics of residents into account in the provision of services. When seeking to gain access to properties, the Council will consider whether protected characteristics may affect a resident's ability to engage or grant access and, where appropriate, make reasonable adjustments in order to avoid indirect discrimination and ensure services are delivered fairly and proportionately.

10. Complaints

- 10.1. Residents can raise concerns through the Housing Complaints process. More information on how to make a complaint can be found at: <https://www.newham.gov.uk/contact-information/make-complaint/5>.

11. Monitoring and Review

- 11.1. This policy will normally be reviewed every three years.
- 11.2. A review may be triggered earlier in response to:
 - changes in legislation or regulation
 - service or operational changes
 - learning from complaints or Housing Ombudsman findings
 - internal audit or safeguarding reviews

12. Related Documents

- 12.1. This policy aligns with the following Newham Council policies and procedures
 - LBN Building Safety policy
 - LBN Fire Safety policy
 - LBN Income Collection policies and procedures
 - LBN Data Protection policy

- LBN Anti-social behaviour policy
- LBN Safeguarding policy
- LBN Tenant Management policy
- LBN Tenancy Audit policy
- LBN P-c FRA No-Access Procedure
- LBN Lone & Remote Working (LBN Corporate Health & Safety policy)
- LBN Cautionary Contacts Database (LBN Corporate Health & Safety policy).

13. Legal, Regulatory and Strategic Framework

13.1. This policy supports the Council in meeting its duties under relevant legislation, including:

- Housing Act 1985
- Landlord and Tenant Act 1985
- Gas Safety (Management & Right of Entry Regulations 1996
- Gas Safety (Installation & Use) Regulations 1998
- Prevention of Social Housing Fraud Act 2013Building Safety Act 2022
- Social Housing (Regulation) Act 2023
- The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025
- Equality Act 2010
- Data Protection Act 2018