

ACCESS TO TENANTS HOMES PROCEDURE

This policy covers access to carry out repairs or other legitimate service-related activities. This should be explained to all new tenants when they move in. The term contractor is used for both our in-house maintenance operatives and external contractors.

Tenants

PRHA Staff (including contractors) do not have the right to enter a tenant's flat without permission. Any tenant who is prepared to allow staff access to their flats without being present should leave a copy of their key with a signed permission for staff to use the key to enter. **PRHA staff will check with tenants prior to every need to enter the bedsit/flat if this permission still stands.** However, if a tenant does not wish to do so no key should be left and a note should be kept on file and on Omniledger to this effect.

PRHA Staff and contractors should NEVER enter a tenancy without permission/the tenant being present. The only extreme exceptions are outlined in sections 2 & 3 below.

In all cases, tenants should be given at least 24 hours notice of appointments or staff intention to allow / gain access.

1.0 RIGHT TO ACCESS- Tenancies

Under the terms of the tenancy tenants must allow access to PRHA's employees or contractors for the purposes listed below if notice of at least 24 hours is given – but immediate access may be required in an emergency:

- a. To inspect the condition of the premises.
- b. To carry out repairs or other works to the premises or to adjoining property.

1.1 Step 1

Contractors are required to make an appointment to gain access to carry out repair work. Acceptable practice would be:

- a. Contractor makes appointment with Property Services Staff. Scheme Staff are then asked to agree access arrangements with the tenant. In cases of self-contained properties then the maintenance department will call and/or write to the tenant to arrange access.
- b. The Contractor should turn up at the appointed time and notify hostel management of their arrival/tenant. The Contractor will be required to produce identification.
- c. If the Contractor is unable to gain access, the Contractor should inform the Scheme Staff. If there are no scheme-based staff then the Maintenance Administrator must be informed and request another appointment.

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1.2 Where access during the day is a problem, evening or weekend calls can be arranged, provided this is agreed with the tenant or (if property is vacant) relevant staff member.

1.3 If a contractor arrives without an appointment hostel management or the tenant may refuse access but should take into consideration the urgency of the repair. If it is the case of an external contractor then contact to the Property Services department to check the situation and the bone fide of the visit.

If the contractor is unable to gain access at this stage, then the Property Services team should: -

1.4 The Property Services team should contact the tenant in writing and:

- a. Explain the need for the repair.
- b. Outline the previous attempts to make contact.
- c. Request contact with themselves so as the make a further appointment with the Contractor.

1.5 The Scheme Manager and Maintenance Manager together will need to consider the urgency and the effect of delaying the repair as well as any mitigating circumstances before proceeding further.

If the contractor is still unable to gain access and/or the repair is deemed to pose a Health, safety, building, security risk then progress is made to stage 2.

2.0 WHERE HEALTH, SAFETY OR BUILDING SECURITY ARE AT RISK

2.1 The procedure that follows should only be used if, in the opinion of the Maintenance Manager, the health and safety or building security may be adversely affected by further delay.

2.2 If is agreed between the Maintenance Manager and Scheme Manager that access cannot be delayed any further and there is no clear reason for the lack of contact with the tenant the Scheme Manager should register in the day's logbook the reason for immediate access. Property Services Department should then write to the tenant and include the following:

- a. Explain the need for the repair.
- b. Outline the previous attempts to contact the tenant and gain access.
- c. Explain the organisation's statutory rights to enter on giving reasonable notice.

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- d. Explain that the maintenance manager/support worker and / or a contractor will be calling at a clearly specified date and time.
- e. Explain that if after knocking or ring the bell there is no responses, the organisation will utilise legal measures to gain access.
- f. Explain that the work carried out will be an inspection and whatever work is necessary to make safe and secure and that this may not necessarily mean the full repair.
- g. Explain that if the tenant asks staff to leave, they will do so at once.
- h. The tenant will be asked to respond within 24 hrs. Please note telephone contact should also be attempted.

If the contractor is still unable to gain access and/or the repair is still deemed to pose a Health, safety, building, security risk then progress is made to stage 3. Permission to progress to Stage 3 must be sought from the Assistant Director Client/Community Services.

3. Legal Action to gain entry

If there is no response to the notice from the Association by the date specified, the Association may pursue the following actions.

Please again note: The Organisation must never use the power of entry/use of keys without gaining permission to do so from the court.

If unable to gain entry due to the tenant refusing access/no response from the tenant/it is believed the tenant is at harm and/or entry is required as there is a health and safety issue, the case should be referred to the Assistant Director: Client/Community Services for a decision on whether to pursue legal action for an injunction to gain entry.

Please note 3.2 should only ever be used if there is very serious risk/immediate urgency/suspected serious health problems/threat to life or limb.

3.2 Forced entry will only be attempted with legal permission/advice and/or in immediate dire emergencies at emergency services request where there is an identifiable urgent need to gain access to property e.g. gas leaks, suspected serious health problem, threat to life or limb. In all cases if forced entry is to be attempted or use of keys without permission and in this case then advice and permission should be sought from the Chief Executive/Director of Finance and Business Support.

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- a.** Where immediate entry is required e.g. where potential death or injury is feared, the Police and ambulance should be called to discuss the incident and to accompany the Association staff. Legal advice will be sought immediately prior to calling the emergency services if time permitting.
- b.** Any damage resulting directly or indirectly from the forced entry must be repaired as an emergency.
- c.** A letter should be left for the resident(s) explaining the circumstances and giving a name for further contact and information.
- d.** An incident report should be submitted to smt giving details of forced entry/use of key.