



**COUNCIL HOUSING  
GAINING ACCESS POLICY**

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### Links to Council Corporate Plan 2025-28

Council ambition	Linked?
<b>Working for a prosperous future</b> <i>To ensure the best possible local economy, with opportunities for the Council's tenants to succeed and achieve.</i>	Yes/No
<b>Healthier, safer communities</b> <i>Tenants should feel safe in the Borough and supported to be more active in order to improve their health and wellbeing.</i>	Yes/No
<b>A greener and cleaner environment</b> <i>It's important to everyone that we look after the environment.</i>	Yes/No
<b>Restoring the Council to good health</b> <i>The Council will be placed on a sound financial footing ensuring resilience – delivering the service its tenants deserve and expect.</i>	Yes/No
<b>We ♥ Castle Point</b> <i>To encourage pride of place in Castle Point - the Council will help create and maintain the best possible place to live in, work in and visit.</i>	Yes/No

**Lead Officer responsible for owning the Policy and internal approval body (meeting / board where the Policy is approved for adoption or approved for referral to PFH or Committee for adoption)**

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Approved by: [IAN BUTT, DIRECTOR - PLACE AND COMMUNITIES]

**Lead Member and Committee responsible for approving Policy:**

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**Equality Impact Assessment undertaken?** Yes

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## 1. Introduction

- 1.1 As a responsible social housing landlord, Castle Point Borough Council ("the Council") is committed to understanding the people that live in the homes it owns and manages, so that it can gain access to carry out its legal and regulatory obligations.
- 1.2 The purpose of this Policy document is to describe how the Council manages its legal obligations in relation to gaining entry to homes for managing tenancies, inspection and maintenance purposes in a customer focused and respectful manner. The Policy demonstrates how the Council complies with current legislation and approved codes of practice showing empathy to tenants.
- 1.3 It is the Council's legal duty to comply with all statutory and regulatory provisions and to have a relevant policy that comprehensively deals with the subject of gaining access to properties to undertake essential landlord functions.

## 2. Scope

- 2.1 The Policy applies to the Council's tenants and leaseholders and applies to all properties owned by or managed on behalf of the Council.
- 2.2 This Policy does not relate to obtaining access to a property as a part of the repossession process. The Policy also highlights some actions which may be taken by the Council where access is sought to enable it to undertake its statutory and regulatory duty, but entry to the property is not obtained.
- 2.3 This Policy does not apply to those activities that relate to breach of the tenancy agreement for anti-social behaviour or failure to pay rent where other avenues of resolution exist.

## 3. Definitions

The Council	Castle Point Borough Council
Entry not obtained	When entry to the property has not been achieved by the contractor or Council employee.
Leaseholders	Leaseholders are defined as anyone who owns a property under a leasehold agreement where the Council holds the right to the land on which the property sits.
Missed appointment	The tenant or leaseholder not being in or not answering the door for a pre-arranged first visit.
No access	Occasions when the tenant refuses entry to the property when Council staff or contractors are in attendance.
Tenants	Tenants are defined as anyone who holds and occupies a property that is owned or managed by the Council under a tenancy agreement.

## 4. Aims and Objectives of the Policy

- 4.1 The aim of this Policy is to ensure the Council can fulfil all its legal obligations and duty of care and gains access to homes to carry out all essential landlord functions.
- 4.2 The key objective of this Policy is to ensure that tenants and leaseholders, the Council, Senior Leadership Team, Council employees, and partners are clear on its legal and regulatory obligations. This Policy provides the framework for Council employees, contractors and stakeholders to follow to help it meet these obligations.
- 4.3 The policy aims to highlight the key principles in the way that the Council handles gaining access to homes by:
  - a) Defining when the Council needs to access residents' homes.
  - b) Making resident responsibilities clear.
  - c) Taking appropriate and proportionate action if a tenant or leaseholder does not provide access.
  - d) Demonstrating how a 'reasonable approach' is adopted in non-emergency situations, to gain access to properties.

- e) Ensuring an escalation process is in place to provide residents with the opportunity to provide access at a mutually convenient time, whilst also advising that it may lead to court action where entry is not obtained.
- f) Ensuring that residents are kept informed about action being taken to carry out essential duties such as undertaking repairs, safety checks, welfare checks and inspections.
- g) Setting out the Council's preparedness in partnership working with external support and advocacy agencies where a resident has specific needs.

## 5. Policy Statement

- 5.1 The Council recognises that in certain cases there may be underlying issues that contribute to access challenges which may relate to a support need, language, or specific tenancy management problem. In these circumstances, the Council will always take a proportionate approach to resolve an issue to gain access relying on legal action as a last resort.
- 5.2 The Council will adopt a sensitive and balanced approach. The Council will always work collaboratively across its departments to support tenants and leaseholders whilst complying with its legal duties.
- 5.3 The Council will ensure, so far as is reasonably practicable, that by working alongside its tenants, leaseholders and support networks it will gain the access to the homes to meet its statutory and regulatory landlord requirements.

## 6. Legislation, Regulation and Guidance

- 6.1 The Council is committed to ensuring that tenants and leaseholders provide access to their homes, for all regulatory requirements the Council is duty bound to perform.
- 6.2 The following list sets out the key legislation, regulation, and guidance:
  - The Health and Safety at Work etc. Act 1974 (particularly Section 3: General duties of Employers and Self-employed persons other than their employees)
  - Landlord and Tenant Act 1985
  - Electricity at Work Regulations 1989
  - Electrical Equipment (Safety and Use) Regulations 1994
  - Gas Safety (Installation and Use) Regulations 1998
  - LOLER (Lifting Operation and Lifting Equipment Regulations) 1998
  - The Housing Act 2004
  - Equality Act 2010
  - Control of Asbestos Regulations 2012
  - Electrical Equipment (Safety) Regulations 2016
  - Homes (Fitness for Human Habitation) Act 2018
  - Data Protection Act 2018 and the General Data Protection Regulations (GDPR) 2018
  - Building Regulations 2019: Part B: Fire Safety
  - Fire Safety Act 2021
  - Building Safety Act 2022
  - HSE's Approved code of practice and guidance on regulations L8 Legionnaires' disease: the control of Legionella bacteria in water systems
  - The Regulator of Social Housing Consumer Standards Neighbourhood and Community Standard 2024
  - The Regulator of Social Housing Consumer Standards Safety and Quality Standard 2024
  - The Regulator of Social Housing Consumer Standards Tenancy Standard 2024
  - HQN [Opening the door: Changes to support necessary access to social tenants' homes](#) December 2025

## **7. Access to Homes**

- 7.1 The Council is responsible for designing a customer focused and respectful process to enable effective and legal access to be gained to properties when it is necessary to undertake statutory and regulatory requirements.
- 7.2 The Council may need to access homes for many reasons including but not limited to:
- a) Carrying out servicing or a repair.
  - b) If there is an emergency (property or person related).
  - c) Enabling any annual capital works programme to be completed.
  - d) Gas safety checks.
  - e) Fire safety surveys and works.
  - f) Electrical testing and works.
  - g) Asbestos surveys and works.
  - h) Damp/mould/condensation (DMC) inspections and works.
  - i) Surveys or works to control the risk of legionella.
  - j) HHSRS (Housing Health & Safety Rating System) inspections.
  - k) Servicing and maintenance of personal lifts, including stair-lifts and telecare equipment.
  - l) Repairs to, or refurbishment, especially where failure to carry out repairs or refurbishment would place residents at risk and/or cause damage to Council property.
  - m) Any surveys required to identify the condition of the property.
  - n) Tenancy audit, tenancy checks and to investigate a possible breach of tenancy.
  - o) Ensuring compliance with legal, health and safety regulations and compliance with the Tenancy Agreement.
- 7.3 Where there is a likelihood of breach of legal compliance in a property, the Compliance Manager will be informed within 48 hours. A review of the information provided will be undertaken, in liaison with the Neighbourhood Housing Officer to resolve the issue and, wherever possible, avoid legal action.
- 7.4 As a last resort, should any tenant or leaseholder continue not to allow entry to carry out essential inspection or remedial works, the Council will use the legal remedies available within the terms of the tenancy and lease agreements.
- 7.5 Every effort will be made to arrange a convenient time and date (including evenings and weekends) with the resident for access to complete the visit and any associated work. When it has not been possible to gain access, despite reasonable attempts to contact the resident appropriate legal action will be taken.

## **8. Escalation process to gain entry**

- 8.1 Where the Council has been unsuccessful in gaining entry, the Council will follow the Gaining Access Procedure to achieve entry into the property where necessary.
- 8.2 Once a court order is granted, forced entry will be arranged. The Neighbourhood Housing Officer and any relevant tradesperson will be present at each forced entry. If there is any concern in relation to safety, the Council will liaise with the police regarding their attendance at the forced entry appointment.
- 8.3 The Council will ensure the property is secure following any forced entry and will change locks where necessary. The Council will leave information at the property advising the tenant where they can collect new keys and of the recharges they will incur for not allowing access to the property. The Council will request the tenant shows suitable identification before allowing the new keys to be collected.
- 8.4 Forced entry will be made in specific circumstances and only undertaken once approved by the Interim Director of Housing or their nominated representative. All such instances will be included in regular housing reporting mechanisms.

## **9. Tenant and Leaseholder Responsibilities**

- 9.1 Tenants and leaseholders have a responsibility to respond to correspondence and provide access to the Council's employees and the Council's approved contractors to undertake maintenance, servicing and visits to allow a legally compliant landlord service.
- 9.2 It is important that residents:
- a) Inform the Council if their contact details change (e.g. telephone numbers, e-mail addresses or any changes relating to their next of kin).
  - b) Inform the Council if they require additional support needs.
  - c) Provide the details of someone who can allow access, if the resident is not able to. A responsible adult (i.e. legally over the age of 18) must be present to allow access to the home. (The Council will record the first visit as a "missed appointment" where this is not the case.)
  - d) Inform the Council in advance if they need to rearrange an appointment. The Council may pursue all associated costs that are incurred and recharge the resident accordingly, if the Council has not been informed.

## **10. The Council's Responsibilities**

- 10.1 If the Council needs access to a home, it will work with the residents to arrange a mutually convenient time and date to visit (including evenings and weekends). Once a visit is agreed, the Council requires a responsible adult (being someone over the age of 18) to be present at the premises to grant access. If no adult is present, it will be recorded as a "missed appointment" in the first instance.
- 10.2 Unless the visit is an emergency, the Council will always pre-arrange an appointment. The Council will make all reasonable attempts to contact the resident by:
- a) Writing in advance outlining why access is required and providing a proposed date (including details of how to contact the Council to make an alternative appointment if this is not convenient).
  - b) Making contact by telephone, text or email to secure an appointment date.
  - c) Conducting a home visit to book an appointment date.
- The Council may repeat steps a-c to maximise the opportunities to secure appointments by arrangement, considering what is happening in the life of the person behind the door. Wherever possible the Council will group appointments on the same day so that the disruption to the tenant or leaseholder is kept to a minimum.
- 10.3 Where residents do not respond to requests for access the Council may also, depending on individual circumstances, and the urgency of the access required, deploy the following measures to secure access:
- a) Contact next of kin or those listed as having caring responsibilities.
  - b) Contact known external support and advocacy groups and internal teams who are already working with the resident.
  - c) In all attempts to gain access the Council will endeavour to use preferred communication methods where these are known e.g. where English is not spoken as a first language.
- 10.4 The Council will also cooperate 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 and other emergency services, NHS and Social Care and Environmental Health.
- 10.5 It is the Council's responsibility to make sure it treats all tenants and leaseholders respectfully. The Council's employees must be satisfied that any forced entry is proportionate and conducted respectfully.
- 10.6 The Council is responsible for documenting all attempts to gain access and producing a witness statement for court whenever this is required.

- 10.7 In the event of forced entry the Council is responsible for being in attendance during the time the property is not secure. The Council will not use the forced entry for any other purpose than the Court order that is granted.
- 10.8 The Council is also responsible for managing any potential risks resulting from refusal to access homes it owns and is responsible for, including:
- a) Risk to health and safety – some works are required for health and safety reasons.
  - b) Unidentified safeguarding concerns.
  - c) Undetected tenancy fraud.
  - d) Ineffective delivery of the capital works programme.
  - e) Lack of value for money – one-off replacements usually cost more and may have a longer lead in time compared to a planned approach.
  - f) Impact on the overall Asset Strategy – e.g. with regard to low carbon heating.
  - g) Failure to meet the Council's social landlord legal obligations.

## **11. Contractor Responsibilities**

- 11.1 The Contractor has the responsibility to support the Council's actions to gain access to properties to achieve health and safety compliance. In instances where the contractor is sending correspondence on behalf of the Council, it is vital this is all recorded accurately and can be evidenced in court if necessary.
- 11.2 In cases where the contractor uses forced entry they are responsible for making sure they cause the minimum disruption, and that the property is left secure immediately.

## **12. Monitoring and Continual Improvement**

- 12.1 The Compliance Team and Head of Housing will monitor the implementation of and compliance with this Policy. The risk associated with non-access will be recorded and assessed through the Council's Housing Service Risk Register.
- 12.2 The progress of court cases seeking to gain access to tenants and leaseholders' homes will be closely monitored by the Housing Management Team.
- 12.3 The Council will monitor the reasons for "no access" and analyse what works well in achieving access; the results of this will feed into the review of this Policy and the Gaining Access Procedure.
- 12.4 Internal and external audits and reviews provide data reflecting the effectiveness of this Policy and identify opportunities to achieve continual improvement in the management of no access at the Council. As part of the Council's routine health and safety audit programme, the Gaining Access Policy will be tested for compliance with legal and regulatory obligations and to identify any non-compliance issues. An action plan will be developed for any issues identified during the audit, with appropriate timescales agreed for corrective actions to be carried out. Other checks and reviews may be undertaken periodically as required.

## **13. Data and Records**

- 13.1 The Council will maintain a core Asset Register of all properties it owns or manages. All cases of no access will be recorded on the Housing IT system. In addition, for those cases of compliance with health and safety requirements, this will be documented on the Compliance System.
- 13.2 The Council is committed to collecting and maintaining information on its tenants and leaseholders; this is called customer profiling information. This customer profiling information will be used to help support gaining access to homes. Once the new Housing IT system is implemented it will allow better use of technology to support text reminders for appointments, whilst at the same time using the customer profiling information to make sure those tenants and leaseholders who are digitally excluded are communicated with in the traditional manner. As an example of how using the customer profiling information can be supportive in gaining access, if the Council knows a tenant is hearing impaired, it can install

a flashing door bell under its disabled adaptations process so the tenant will know there is someone at the door.

- 13.3 All access requirements that include identifiable personal information will be processed in accordance with the requirements of the UK General Data Protection Regulations. The Council will only disclose or share personal information where required to do so by law or where a lawful exemption applies; for example, for the purposes of a prosecution, a safeguarding concern, where it is in the public interest or with the person's consent. Personal information is processed by Castle Point Borough Council for a number of purposes. These can be found in the Privacy Notices which are available on the Council's website.
- 13.4 The Council will keep all records and data in line with its Document Retention Policy and will have robust processes and controls in place to maintain appropriate levels of security for all access related data, including how it will share sensitive information with its contractors.
- 13.5 The Council will dip sample periodically to make sure that the data on the Housing IT system demonstrates compliance with this Policy and the Gaining Access Procedure.

#### **14. Equality, Diversity and Inclusion**

- 14.1 The safety of the Council's tenants, leaseholders and workforce is of the utmost importance. This Policy has been written to protect all concerned, considering all protected characteristics as set out in the Equality Act 2010.
- 14.2 The Council will ensure that relevant information is communicated in an accessible and understandable way with the aim of keeping people safe. This may include clear signage, instruction, and in some cases liaising with those giving support to a tenant (in accordance with Data Protection).
- 14.3 The Council will provide information to tenants who may be undergoing hardship, and signpost them to support. The Council has processes for staff and contractors to raise a safeguarding or vulnerability concern. For example, where a tenant may not be heating their home due to financial concerns.
- 14.4 An equality impact assessment has been carried out (See Appendix 1) which determined that people with the following protected characteristics: age, disability, gender, race, sexual orientation, gender reassignment and pregnancy and maternity status are more likely to have challenges in providing access. It is therefore vital in the Council's approach that the person behind the door is fully taken into account as per section 10.2.

#### **15. Communication**

- 15.1 Once the Policy is approved, a summary document "a policy on a page" will be placed on the Council's website with a link to the full Policy. An approved version of this Policy will be published internally and will be accessible to staff.
- 15.2 The Council will include articles in its resident newsletter and on its website that explain why access to the tenant's home is needed.
- 15.3 Relevant information, such as tenant contact information, will be shared with all contractors, to be sufficient for them to carry out their role in line with this Policy, contracts, and in accordance with Data Protection requirements.
- 15.4 The Council will also aim to successfully engage with vulnerable and hard to reach tenants and leaseholders. The Council will share information clearly and transparently and will ensure that information is available to tenants and leaseholders via regular publications and information on its website.

#### **16. Review of Policy**

- 16.1 This Policy will be reviewed initially after a period of 12 months and then every two years, unless new legislation or good practice, or in the event of a relevant major incident means it needs to be reviewed sooner.

## **17. Consultation**

- 17.1 The Council is committed to meaningful tenant and leaseholder engagement and involvement. The Council intends to consult with tenants and leaseholders on this Policy, once its structure for tenant and leaseholder engagement is in place following the work the Council is doing with the Tenant Participation Advisory Service (Tpas).

## **18. Training**

- 18.1 The Council will maintain a skills/training matrix to ensure that all Council employees undertaking key roles within the scope of this Policy have appropriate training.
- 18.2 The Council will operate a detailed competency framework including regular appraisals as part of the Gaining Access Procedure.
- 18.3 Training will be carried out to ensure that all staff understand their responsibilities for gaining access to properties, according to their roles and responsibilities, as covered in the Gaining Access Procedure.
- 18.4 Training records will be maintained for all courses attended.

## **19. Significant Non-compliance and Escalation**

- 19.1 The Council's definition of significant non-compliance is any incident which has the potential to result in a breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred or of the Council employee being made aware.
- 19.2 Any non-compliance issue identified at an operational level will be formally reported to the Housing Compliance Manager in the first instance, who will agree an appropriate course of corrective action with the Interim Director of Housing, Interim Head of Housing Technical Services or the Head of Housing. The Interim Director of Housing will report details of the same to a member of the Senior Leadership Team which includes the Chief Executive, Director - Corporate and Customer, Director - Commercial and Assets and Director - Place and Communities and Assistant Director - Legal & Democratic Services and Monitoring Officer and Assistant Director - Finance & Procurement (Section 151 Officer).
- 19.3 In cases of a serious non-compliance the Chief Executive will notify the Leader, Deputy Leader and the Portfolio Holder for Health, Wellbeing and Housing.
- 19.4 In cases of serious non-compliance, the Chief Executive will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, and/or any other relevant organisation such as the Health and Safety Executive.

## **20. Governance**

- 20.1 The Council has overall responsibility for ensuring that this Policy is implemented to ensure compliance with the law.
- 20.2 The Chief Executive reports to Cabinet to demonstrate accountability for corporate health and safety across the Council and is accountable for ensuring that health and safety compliance management duties in its landlord function are properly controlled and managed to keep its tenants and leaseholders safe. Under Section 26 of the Constitution (the Officer Scheme of Delegation) the Chief Executive is authorised to delegate duties to the Directors who are then responsible to take decisions for the effective sub delegation of duties within their service areas of responsibility, this to ensure the Council's statutory duties and functions are effectively discharged.
- 20.3 The day-to-day responsibility for managing access for the Council's housing stock is implemented in line with this Policy has been delegated, via the Chief Executive, to the Director - Place and Communities. In addition, the Interim Director of Housing is responsible for providing health and safety leadership across the Housing Service. The

Gaining Access Procedure also identifies the roles and responsibilities of those who will undertake the day-to-day tasks on behalf of the Director - Place and Communities.

- 20.4 The Director - Place and Communities has delegated their duty holder responsibility to the Interim Head of Housing Technical Services who has professional and technical responsibility for the homes and communal areas the Council owns.

**21. Associated Policies and Procedures** Council Housing

Asset Management Strategy  
Council Housing Disabled Adaptations Policy Council  
Housing Disrepair Policy  
Council Housing Electrical Safety Policy Council Housing Fire Safety Policy  
Council Housing Gaining Access Procedure Council Housing Gas Safety Policy  
Council Housing Lift Safety Policy  
Council Housing Maintenance and Repairs Policy Council Housing Mutual Exchange Policy  
Council Housing Neighbourhood Management Policy Council Housing Recharges Policy  
Council Housing Tenancy Audit Procedure Council Housing Tenancy Fraud Policy Council Housing Tenancy Management Policy  
Council Housing Temporary Relocation (Decant) Policy Council Housing Water Safety Policy  
Repairs Handbook

**22. Appendices**

Equality Impact Assessment for Council Housing Gaining Access Policy