



Guildford Borough Council Housing Services Access Policy

Document Information

Version Control: 1.0

Policy Service Owner: Head of Housing

This document replaces: New Policy

Document creation date: January 2026

Next review date: January 2029

Governance route: Approval by Portfolio holder for housing

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1. Introduction

- 1.1. Guildford Borough Council is responsible for ensuring effective and legal access to properties in order for the Council to fulfil its obligations as a landlord, including to meet its emergency, statutory and regulatory requirements. This policy has been developed to ensure that the council is fully compliant with these statutory and regulatory obligations.
- 1.2. This policy also applies where we need immediate or emergency access or access to carry out works but the tenant, leaseholder or other occupier will not let us in.
- 1.3. It sets out the approach to gaining access for essential works, particularly those relating to the health and safety of tenants, leaseholders, and other members of the public. As part of this, it also aims to prevent damage to buildings while ensuring a lawful and proportionate response when reasonable access requests are denied or ignored.
- 1.4. This policy does not apply to those activities that relate to a breach of tenancy and other occupancy agreements for antisocial behaviour or failure to pay rent where other avenues of resolution exist.

2. Aims of the Policy

- 2.1. We are committed to the provision of safe housing for our tenants, leaseholders and other occupiers. 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 no access to properties to undertake essential works.
- 2.2. We may adjust our approach to access and may work in partnership with external support and advocacy agencies where tenants / leaseholders / occupiers are known to be vulnerable in any way or where there are barriers to communication.
- 2.3. This policy sets out a consistent and proportionate approach to gaining access to properties, including routine, planned and emergency situations, to enable the Council to meet its legal, regulatory and landlord obligations, while minimising disruption to tenants, leaseholders and other occupiers.

3. Legal Framework

- 3.1. The scope of this policy is covered by legislation including the following:
 - Health and Safety at Work etc. Act 1974 (particularly section 3: General duties of employers and self-employed persons other than their employees)
 - The Management of Health and Safety at Work Regulations 1999 (as amended)
 - Social Housing (Regulation) Act 2023
 - The Regulatory Reform (Fire Safety) Order 2005
 - Housing Act 2004
 - Building Regulations 2019: Part B: Fire Safety
 - The Gas Safety (Installation and Use) Regulations 1998
 - Electrical Equipment (Safety) Regulations 1994
 - The Furniture and Furnishings (Fire) (Safety) Regulations 1998
 - The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022
 - Fire Safety Act 2021

- The Fire Safety (England) Regulations 2022
- Building Safety Act 2022
- The Control of Asbestos Regulations 2012
- Public Health Act 1936
- Homes (Fitness for Human Habitation) Act 2018
- Data Protection Act 2018
- UK General Data Protection Regulations (UK GDPR) 2018
- Equality Act 2010
- Landlord and Tenant Act 1985
- Environmental Protection Act 1990
- Prevention of Damage by Pests Act 1949

4. Planned Access to Properties

- 4.1. Guildford Borough Council is responsible for designing a process allowing effective and legal access to be gained to properties when safety related work is required to meet its statutory and regulatory requirements. This also includes works essential for maintaining the integrity of the building and ensuring tenants, leaseholders and other occupiers can enjoy their homes without disruption.
- 4.2. The main reasons the council might need to schedule access are as follows:
 - Servicing to heating systems, gas appliances, flues, chimneys, smoke alarms, carbon monoxide alarms
 - Undertaking of electrical EICRs
 - Undertaking of gas LGSRs
 - Any other landlord duties to undertake checks or services as set out in the legislation above. This would include any tenant/leaseholder installed systems the council have responsibility for
 - Inspection or stock condition survey
 - Remedy and post inspection of damp, mould and condensation treatment work
 - Remedy and post inspection of insect or animal infestation treatment
 - Removal and or inspection of known hazards, such as asbestos
 - Inspection of health and safety breaches
 - Repair or improvement works that are essential to the integrity of the building
 - Any improvement work or upgrade needed to meet new safety or energy efficiency legislation, regulations and standards. The council must fulfil its duties as a landlord in terms of the safety of tenants, neighbours, and communities. This may include electrical rewiring, upgrades to smoke alarms and carbon monoxide alarms, as well as energy efficiency measures such as insulation, heating system upgrades, carrying out Energy Performance Certificate (EPC) surveys and asbestos surveys.

- New build council housing - each new council house has a one year defects period to identify and/or address any issues. The terms of construction contracts also require each contractor to fulfil their obligations in terms of addressing any defects within a set timescale. These include value for money and a set specification for standards
 - Property inspections - the council has the right to access any of its properties to view the condition of the property so long as they have given the tenant suitable notice in writing.
- 4.3. The definition of a 'no access' case in scheduled access cases is: Three failed pre-booked attempts to gain access, with all three bookings being made in writing /email.
- 4.4. The council will always work collaboratively across housing and property services (for example by working in conjunction with staff delivering housing management services) and its departments to support tenants, leaseholders and other occupiers whilst complying with its legal duties.
- 4.5. A review of the information provided will be undertaken, in liaison with the neighbourhood housing officer to resolve the issue and, where possible, avoid legal action.

4.6. Reasonable adjustments

- 4.6.1. The Council recognises that discretion should be used, and reasonable adjustments will be made where there may be underlying issues that contribute to access problems, as per the Housing Services Reasonable Adjustment Policy. These may relate to household vulnerability (such as disability, frailty or domestic abuse), concern for welfare, a support need, language, or a specific tenancy (or occupancy) management problem.
- 4.6.2. We will use information provided by tenants and held in our systems to assist in identifying underlying issues that contribute to access challenges. We ask our tenants if there are any issues that need to be considered to help us make appropriate decisions.
- 4.6.3. In cases where safeguarding issues are identified or suspected, a safeguarding notification will be made, as per the Council's Safeguarding Policy.
- 4.6.4. In all attempts to gain access we will endeavour to use preferred communication methods where these are known (e.g. where English is not spoken as a first language) and keep records of all attempts made.
- 4.6.5. Council policies and procedures governing social, mental, and environmental health support services to tenants, leaseholders and other occupiers will be utilised with relevant safety compliance and other processes to ensure a sensitive and balanced approach is adopted for those residents with identified vulnerabilities.

4.7. Legal Action

- 4.7.1. In most cases planned appointments usually result in access being secured, however, there are occasions where we may be required to take tenancy, lease or occupancy enforcement action to secure access. This may include:
- Applying for injunctions from the courts to enforce the landlords 'right of access'.
 - Serving 'notices of seeking possession' for breach of tenancy and applying to the courts to bring the tenancy to an end.
- 4.7.2. We will only pursue the above and other legal remedies for gaining access to properties when all other reasonable attempts at contact and access by agreement have been exhausted.

- 4.7.3. The council will take a proportionate approach to resolving access issues relying on legal action as a last resort.
- 4.7.4. As a last resort, should any tenant, leaseholder or other occupier refuse access to carry out essential inspection or remedial works, we will use the legal remedies available within the terms of the tenancy, lease and other occupancy agreements. In addition, it will comply with section 97 of the Building Safety Act 2022 with regard to no access issues in higher risk buildings.
- 4.7.5. Every effort will be made to arrange a convenient time and date for access to complete the works. When it has not been possible to gain access, despite reasonable attempts to contact the tenant, leaseholder or other occupier appropriate action will be taken in the courts to gain access.

5. Immediate and Emergency Access

- 5.1. In certain circumstances, the Council may be required to gain immediate access to properties where there is a reasonable assumption that there is a threat to the health and safety of individuals, an emergency, or failure to act may result in property damage. We will only ever attempt immediate access in extreme circumstances when it is safe to do so. Non-exhaustive examples include where there is a flood, gas escape or suspected medical emergency.
- 5.2. Where we are required to gain access in this way we will:
 - Use our discretion and make reasonable adjustments, taking account of household vulnerabilities, that are appropriate to the context within which immediate access needs to be gained
 - Ensure follow up attempts are made to trace the property occupants to inform them of the actions undertaken
 - Ensure the property is left safe and secure, this may on occasion involve carrying out a lock change. Where this is required, we will endeavour to leave messages or notification with the tenant, leaseholder or other occupier as to how they can obtain replacement keys.
 - Take photographic evidence of the property by means of an inventory and/or as evidence for legal action that may follow. If we are required to gain access in emergency situations to remedy a fault that is found to be of the tenants', leaseholders' or other occupants' making, we reserve the right to recharge for all works undertaken, e.g. where taps have been left running causing flood damage.

6. Policy Outcomes

- 6.1. The implementation of this policy will provide clear guidance to tenants, leaseholders, other occupiers and staff on when and why access to properties is required, ensuring a consistent, lawful and transparent approach to meeting the Council's landlord, statutory and regulatory obligations.

7. Monitoring and Review

- 7.1. The performance will be monitored through access procedures and performance information, including, but not limited to: the number of first, second and third no accesses across teams, number of access referrals that result in access, average timelines for completion in no access cases, and the percentage of cases with the required evidence of no access. These will be reported back to the service teams to help us identify and remove any bottlenecks in the access process.
- 7.2. In line with the Group's Policy Framework, this policy is scheduled to be reviewed every 3 years, unless due to a change in Government legislation or regulatory requirements, the review period will be brought forward in order to ensure compliance.

- 7.3. Input and approval will be sought from our residents (via the Tenants Group) prior to making any substantive changes.

8. Roles and Responsibilities

- 8.1. The Policy Framework documents the approval routes for all Policies and Strategies, however under this policy the following teams/employees have the following responsibilities.

ROLE	RESPONSIBILITIES
Compliance Manager	Access process relating to Fire, Legionella, Asbestos, Gas, Electrics and Lifts.
Head of Housing Repairs	Responsible for overall service delivery of repairs to GBC Housing Stock to ensure policy and procedures are implemented.
Operations Lead	Manages day-to-day operations of the Direct Labour Operatives.
Maintenance Repairs Lead	Manages day-to-day Repairs clienting, Disrepair cases and Damp and Mould cases.

9. Reviews and Complaints

- 9.1. Any individual who is dissatisfied with the service experienced should be encouraged to provide feedback. Complaints regarding the implementation of this policy will be dealt with in accordance with the Council's corporate Customer Complaints Policy and associated procedures.

10. Equality and Diversity

- 10.1. GBC is committed to equal and fair treatment of all sections of the community. Accordingly, no person will be discriminated against during the implementation of this policy on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 10.2. We are committed to helping customers to access information about their homes and services in a way that suits individual needs.
- 10.3. The council aims to provide homes and services that meet the diverse needs of customers. We believe that all customers should be able to access housing, support and care services with the same ease and that the quality of our service is the same high standard for all.
- 10.4. In delivering this policy, GBC Housing's staff will comply fully with the requirements of the Council's Equalities and Human Rights Policy.
- 10.5. In order to comply with the Equality Act 2010, an equality impact analysis (EIA) was completed as part of the policy review. Upon completing the EIA it was found that the implementation of the policy would support and encourage the aims of the public sector duty.

11. Data Protection and Retention of Information

- 11.1. All information will be handled in accordance with the requirements of General Data Protection Regulations and the Data Protection Act 2018. The handling and storage of personal data will be managed and stored in accordance with our Data Protection Policy and our Record Retention Disposal Schedule.

- 11.2. We will maintain contemporaneous notes and up to date records of all compliance related actions taken throughout the process and record these in The Compliance Workbook (TCW), our compliance management system.