



"Offering our community more than a home"

Access to property policy

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CHA Objectives:

- To provide quality, affordable housing that meets the changing needs of our customers and to ensure fair access to housing within our area.
- To manage the houses provided, in a professional and cost effective manner, for the benefit of our local community and the environment.
- To provide a first class maintenance service which offers value for money and ensures the comfort and safety of our residents while achieving high levels of satisfaction

Regulatory Standards:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these objectives.
- The RSL manages its resources to ensure its financial well-being and economic effectiveness.

- The governing body bases its decision on good quality information and advice and identifies and mitigates risks to the organisation's purpose.

This policy can be made available on request in a variety of different formats, such as on tape, in large print and translated into other languages.

ACCESS POLICY

Access may be required to tenants' sharing owners' and owner occupiers' flats to carry out landlord and factor obligations.

The Association's rights to gain access are laid down in the legal documents described below. However, as a general principle, any problems in most cases should be resolved informally rather than through formal legal proceedings which can be expensive and are likely to take a long time.

1. Tenants

The Scottish Secure Tenancy Agreement specifically gives landlords the right of access to properties for inspections or repairs during reasonable times of day as long as 24 hours notice is given.

In addition to its maintenance responsibilities, the Association has a statutory responsibility to ensure gas servicing is carried out annually where relevant.

To avoid access problems arising, every effort should be made at the start of a tenancy to obtain contact phone numbers and email addresses (work, home, relations). At signing up, the responsibilities of the tenant in relation to access will be specified. A new tenant visit allows information to be recorded on the appropriate form. This contact information should be recorded on the Housing Management System under household details.

Where access is required, staff will give reasonable notice, in writing if necessary. Where access is not granted, and attempts to use contact information have failed staff will consult all available information to consider the best course of action and may try out of hour's visits, contacting relatives etc in line with data protection legislation.

Where this fails staff will inform the Housing team. The Housing team will inform the tenant that they are in breach of their tenancy agreement by failing to provide access. If attempts to make contact continue to fail other courses of action, as follows, can be considered following discussion with the Housing Officer/Housing Services Manager/Head of Housing Services.

- (a) Issue of an abandoned home notice - if there is doubt over whether the tenant is living in the property, an abandoned home notice should be served. This gives 28 days notice after which, if no contact is made, the tenancy is ended. (See HMPOL6). This should rarely be done where rent is being received.
- (b) Instruct the Association's solicitors to write to the tenant stating that if no access is gained within a specified period, court action will be raised.

These courses of action are likely to result in a response from most tenants with legitimate reasons for not having allowed access prior to the action. The final sanction if access is still not granted is to initiate legal action to force entry to carry out the repair or gas service. Each case will have to be considered on its merits as to whether this course of action is justified and solicitor's advice should be sought.

(c) In the case of an emergency repair issue or emergency situation, forced entry should be arranged following 24 hour notice letter, or straight away as required/necessary. Two members of staff (or one member of staff plus a contractor) should be present for a forced entry. If any risk to staff is identified, the Police should also be made aware and be present where possible. In these instances, as tenants will have already been afforded every chance to provide entry, they will be charged with the associated costs of the forced entry.

2. Sharing Owners

Under the Occupancy Agreement, a sharing owner is entitled to three days notice (except in an emergency) where access is required. Access will be granted to carry out inspections, repairs or maintenance works. The Association's repair responsibilities extend to common repairs only where we factor the property so access problems should be rare.

The Housing team will request information to be input to the Housing Management system for contact phone numbers/emergency contact details and email addresses whenever a new sharing owner moves in.

Staff, having already attempted contact and failed via existing phone numbers, email addresses etc, should liaise with the Housing team if access problems occur to discuss any other options available.

The final sanction will be an action for implementation of the terms of the Occupancy Agreement. Advice from the Association's solicitors will be sought at this stage.

3. Owner Occupiers

The Deed of Conditions grants a right of access for inspection purposes, maintenance of adjacent properties and maintenance of common parts. Problems should be resolved informally but legal proceedings, for implementation of the Deed of Conditions, would be the final sanction if required. Advice from the Association's solicitors will be sought in these cases.

Equal Opportunities

For office use Only – Actions

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| Customer Consultation Required/Arranged | No |
| Intranet Update | Yes |
| F Drive Update | Yes |
| Website Update | No |
| Leaflet change required? | No |
| Newsletter Promotion? | No |
| Other information updated, e.g. posters, automatic email responses, post cards, answering machine messages, etc. | No |