

## Dolphin Square Charitable Foundation & Dolphin Housing Limited

### Access to Property Policy

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## **Policy Introduction**

As a responsible landlord, Dolphin Living always aims to maintain the condition of properties it owns and manages to ensure the safety of all occupants, as far as is reasonably practical.

In pursuing this aim, Dolphin Living will in several circumstances, require access to properties and adjoining grounds. Right to this access is an express condition of the tenancy and lease agreements that Dolphin Living issue. Dolphin Living will expect that, given reasonable notice, access will be granted by the occupants of properties it owns and provides services to.

This policy sets out the approach Dolphin Living (meaning Dolphin Square Charitable Foundation and Dolphin Housing Limited) will take in securing access for legitimate housing management purposes, when this is likely to be required and the steps it will take if permission for access is not granted or not available when necessary.

## **Background**

Dolphin Living is required to demonstrate compliance with mandatory and statutory safety obligations by conducting periodic safety inspections to ensure resident safety. Whilst most residents will allow access for these inspections and associated works, there are steps we can take if access is denied.

The Regulator of Social Housing mandates compliance with statutory requirements:

- Social Housing (Regulation) Act 2023
- Landlord and Tenant Act 1985
- Housing Health & Safety Rating System from the Housing Act 2004
- Homes (Fitness for Human Habitation) Act 2018
- Equality Act 2010

## **Access and Communication**

Dolphin Living is committed to ensuring that our services are accessible to everyone. We will seek alternative methods of access and service delivery where barriers, perceived or real exist, that may make it difficult for people to live in or use its services.

## **Our Approach**

For the purposes of this Policy where reference is made to Dolphin Living regarding access, this includes any agency or individual acting on Dolphin Living's behalf, or on behalf of the freeholder where this is not Dolphin Living.

## **Pre-planned Access**

There are various reasons why Dolphin Living would need to secure access to properties it owns and / or manages on a pre-planned basis. Normally this will include giving not less

than 24 hours written notice before access is required, unless otherwise arranged by agreement with the resident. In all attempts to gain access Dolphin Living will endeavour to meet preferred communication methods where these are known e.g. where English is not spoken as a first language and will keep a record of all the attempts it makes.

Dolphin Living will comply with its legal obligations when attempting to gain access to occupied properties it owns or manages and only in line with the tenancy and lease agreement conditions.

Non exhaustive examples include:

- Access to carry out repairs which are the landlord or freeholder's responsibility to complete.
- Access to carry out safety checks to ensure it meets Dolphin Living's legal 'compliance' obligations e.g. to carry out annual gas safety checks in line with Landlord Gas Safety Requirements (LSGR) or fire risk works.
- Access to assess the general condition of properties or for the presence of known hazards e.g. asbestos surveys.
- Access to assess the need for, or to carry out investment works and property improvements to eliminate hazards or maintain / enhance asset values.
- Access to carry out tenancy audits to assess both the condition of the property and that the needs of residents are being met effectively

For each of the examples outlined above of why access may be required and others not listed, Dolphin Living will follow to ensure consistency and fairness. The process will vary according to the timescales for each action, but common factors will include multiple, reasonable attempts to secure access by arrangement with the occupier and at times that are mutually agreeable.

Listed below are the types of measure Dolphin Living will deploy to gain access on a planned basis:

- Writing to the occupier in advance outlining why access is required and providing a proposed date (also details of how to contact our managing agent or Dolphin Living to make an alternative appointment if this is not convenient).
- Contact by telephone or email to secure an appointment date.
- Agree to enter the property with the use of a master key with the resident's written permission. A representative of our managing agent or Dolphin Living will be in attendance with the Contractor in these circumstances.

Dolphin Living may repeat the above attempts to maximise the opportunities to secure appointments by arrangement.

Dolphin Living will not use a Master Key under any circumstances apart from the 3 reasons listed below:

1. Written permission received from the resident detailing agreed time and reason
2. Emergency access required
3. A Court Order has been issued

## Enforcement Actions

For Annual Gas Safety checks & all Health & Safety regulatory inspection, our Managing Agent will contact a resident by via email and/or phone to confirm an appointment to access their home. However, if this first appointment is missed by the resident, they will then proceed as follows:

- Stage 1 letter -offering another booked appointment. If the appointment is not suitable, the resident can arrange another date/time.
- Stage 2 letter (pre-legal action letter) -advising resident that unless immediate contact is made, an application will be made for a court injunction to gain access into the property.
- Pre-Action letter from solicitor advising that an application for a Court injunction will be made.
- Court injunction process:

Once a Court injunction has been granted to allow us access, the following will happen:

A copy of the injunction will be hand delivered to the address with a covering letter

- The letter will contain the date the injunction was granted by the court
- The terms of the injunction requiring access within 3 days written notice
- The date of an appointment to carry out the service.
- An explanation that the injunction gives us the power to use reasonable force to enter the property, which will be done at a later date if access is not granted
- Confirmation that the Court injunction is for the lifetime of the tenancy and will be kept and used in the future if needed

Before issuing a stage 1 and 2 letter, Dolphin Living's managing agent will always attempt to speak to a resident to avert legal action and where possible, explain the importance of access and provide resident support where required.

In most cases the above measures usually result in access being secured, however, there are occasions where Dolphin Living may be required to take tenancy or lease enforcement actions to secure access. This may include:

- Applying for injunctions from the courts to enforce the landlords 'right of access'
- Serving 'Notices Seeking Possession' for breach of tenancy and applying to the courts to bring the tenancy to an end

Dolphin Living will only pursue the above legal remedies for gaining access to properties when all attempts at contact and access by agreement have been exhausted.

## Permitted access - Emergency

In certain circumstances, Dolphin Living may be required to gain immediate access to homes where there is a reasonable assumption that there is a threat to the health and safety of individuals or failure to act may result in property damage.

Dolphin Living will only ever attempt immediate access in emergency situations by using a master key or a lock change.

Non-exhaustive examples including where there is a flood, gas escape or suspected medical emergency and when it is safe to do so. In these circumstances permission to act will normally be required from a Director of Dolphin Living if this is possible in the timeframes concerned.

Where our managing agent or its contractor is required to gain access in this way it will:

1. Ensure follow up attempts are made to trace the residents to inform them of the actions undertaken
2. Ensure the property is left safe and secure (this may on occasion involve carrying out a locks change. Where this is required, Dolphin Living will endeavour to leave messages or notification to the residents/ leaseholders of how they can obtain replacement keys).
3. A managing agent or Dolphin Living representative will attend with the Contractor and will take photographic evidence of the property by means of an inventory and/or as evidence for legal action that may follow.

If Dolphin Living is required to gain access in emergency situations to remedy a fault that is found to be of the occupants making, it reserves the right to recharge the occupants for all works undertaken e.g. where taps have been left running causing flood damage.

## **Equality, Diversity and Human Rights**

The Policy should be read in conjunction with:

- Repairs and maintenance standard
- Diversity and Inclusion Policy

## **Implementation**

All Dolphin Living staff and the Managing Agents for Dolphin Living need to be aware of the 'Access to Properties Policy'. The Policy will have relevance to Dolphin Living's managing agents and the contractors involved in front line services and where access to properties is a requirement. This also includes the Freeholder where it is not Dolphin Living and managing agents or contractors working on their behalf.

## **Summary**

Dolphin Living, it's managing Agents or contractors will not be permitted to use a Master Key to gain access unless the following circumstances apply:

- Written permission received from the resident detailing agreed time and reason.
- Emergency access required.
- A Court Order has been issued.