

Refusal / No Access Policy



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1. Purpose of the Policy

- 1.1 To ensure that Council residential properties are well maintained and meet the Governments Decent Homes Standard as a minimum by working with tenants to prevent the refusal / no access of programmed improvement works, planned maintenance, certain repairs and surveys required, such as stock condition surveys.
- 1.2 To ensure the Council deliver works that will contribute to the Council's 2038 Zero Carbon Target.
- 1.3 To enable the annual Capital works programme to be delivered as planned.
- 1.4 To ensure compliance with legal, Health and Safety regulations and compliance with tenancy agreements.
- 1.5 To provide a set of guidelines, including a range of options to act as a framework for officers to support tenants to enable works to be completed.
- 1.6 To ensure a robust escalation process is in place to provide the tenant with the opportunity to give access at a mutually convenient time whilst advising that it may lead to forced entry where no access is provided.
- 1.7 To outline what can and cannot be refused, identify valid and acceptable reasons for refusal and provide a set of actions to be followed by officers to enable successful injunction process where there is a refusal of essential work.
- 1.8 Our aim is to provide a service that will:
 - Provide high quality housing services and home improvements for secure, warm and sustainable homes.
 - Treat our tenants with respect at all times. We will be empathetic and non-judgemental with all tenants, ensuring they feel listened to.
 - Comply with all property related legislation.
 - Work in partnership with tenants for continual service improvement in delivering the annual Capital works programme

2.0 Background

2.1 Each year a programme of improvement work is outlined for the Council's housing stock and each year a high proportion of tenants refuse to have the works completed, in particular rewiring. Several different reasons are cited for not wanting to have improvements. For example: -

- Happy with what's already in situ.
- Can't cope with the upheaval.
- Tenant is elderly and can't cope with intrusion to their routine.
- Work being done during winter months (e.g., window replacement / heating)
- It will leave a mess
- Laminate flooring has been installed
- Cost of re-decorating is prohibitive
- Work commitments and feeling uncomfortable with leaving keys with contractors

2.2 There are also a large number of no access / refusals of electrical inspection surveys that are required to comply with legislation and stock condition surveys which are required to ensure properties are free from disrepair and ensure that the asset management system is up to date and relevant when planning future investment works.

2.3 There is a procedure in place for gas safety checks where tenants refuse access, and this works well to facilitate access to ensure the property is safe, however, this does not include carrying out any further works.

2.4 Potential risks resulting from refusals / no access for improvement work include the following: -

- Effective delivery of the capital programme, such as significant underspends in the year.
- Value for money – one-off replacements usually cost more, plus may have a longer lead in time compared to a planned approach.
- Health & safety – some elements of work are required from a health and safety perspective.
- Impact on overall strategy – e.g., with regards to low carbon heating.
- Issues that arise following completion of capital works, such as compliance actions in order to continue claiming Government Grants.

2.5 Tenancy agreements state that tenants must allow access to inspect and carry out repairs and improvements, and that if a tenant does not allow access that we could take legal action, with the tenant having to potentially pay the costs. When a tenant refuses work or allow access, they are effectively breaching their contract.

3. Scope

3.1 This policy covers all MCC owned residential properties, and leasehold stock (where applicable).

3.2 This policy applies to all programmed Capital Improvement works (including planned maintenance, repairs and surveys) and compliance actions to allow the Council to continue claiming Government funding.

3.3 This policy applies to servicing, where the Council are legally required to carry out safety checks.

3.4 This policy applies to any property inspections carried out, in order to ascertain the condition of the property.

3.5 The policy **does not** apply to gas servicing as there is already a robust policy / procedure in place.

4. Definitions

4.1 **Decent Homes Standard** – A standard set by Government to ensure social housing is in a decent state of repair and has a reasonable level of modern facilities and thermal comfort.

4.2 **Refusal** – Tenant declines home improvement/s to the Council property they live in and sign a waiver for the works.

4.3 Omission – It is found that the improvement work is no longer required e.g., the kitchen is newer than was expected; due to the repairs service having already completed the work required as a repair; the property has benefitted from a disabled adaptation; or the tenant has completed the work at their own expense.

4.4 No Access – Despite numerous attempts to communicate with the tenant, including letters, phone calls, home visits etc. No contact made with the tenant.

5. Categories of works

5.1 There are several different capital work programmes. Some cause minimal intrusion to the lives of tenants and others can cause whole house upheaval and are very intrusive.

5.2 The capital improvement works have been categorised essential and non-essential, whether they are external or internal works, and intrusive or non-intrusive and whether enforcement action should be actioned following refusal / no access of the work below.

5.3 The responsibility for enforcement action will sit within the team that is carrying out the work. For example, if the Repairs and Maintenance Team were carrying out a replacement boiler through day to day, and refusal / no access was given, then it would be the responsibility of Repairs and Maintenance to follow the process.

Type of work, maintenance or survey	Essential / Non-essential	Intrusive / non-intrusive	Internal / External	Enforcement Action Required	Comments
Windows	Essential	Non-intrusive	External	Yes	Potential minimal intrusion in colder months. Integral component to fabric of building. Contributes to Decent Homes and Zero carbon targets.
Doors	Essential	Non-intrusive	External	Yes	Potential minimal intrusion in colder months. Integral component to fabric of building. Contributes to Decent Homes and Zero carbon targets. May be required due to FRA.
Roofs	Essential	Non-intrusive	External	Yes	Potential minimal intrusion if items stored in loft or disruption to garden and or parking. Integral component to fabric of building. Contributes to Decent Homes target.
Structural Work	Essential	Intrusive	External / Internal	Yes	Integral component to fabric of building, may impact other properties if not carried out.
External painting	Essential	Non-intrusive	External	No	Cyclical painting of fascia's / gutters, fences etc. May extend life of those components plus benefits general appearance of property

Kitchen	Non-essential	Intrusive	Internal	No	Intrusive in one room plus storage required for kitchen items elsewhere. Contributes to Decent Homes target.
Bathroom	Non-essential	Intrusive	Internal	No	Intrusive in one room. Contributes to Decent Homes target.
Rewire	Essential	Intrusive	Internal	Yes	Very intrusive, all areas of home affected. Contributes to Decent Homes target.
Boiler replacement and central heating (with renewable heating)	Essential	Intrusive	Internal	Yes	Very intrusive (if central heating included), all areas of home affected. Contributes to Decent Homes target and zero carbon target.
Insulation (External Wall)	Essential	Non-intrusive	External	Yes	Contributes to zero carbon target.
Insulation (Internal Wall)	Essential	Intrusive	Internal	Yes	Very intrusive to front and rear internal rooms, plus gable if necessary. Contributes to zero carbon target.
Sprinklers	Essential	Intrusive	Internal	No	Recommendation. MCC agreed in 2018 that work could be declined. This was reviewed late 2023 and MCC still agree not to enforce.
Fire Risk Assessment work	Essential	Dependant on area required	Internal / External	Yes	Work is mandatory to comply with Fire Risk Assessment action requirements.
Electrical condition reports	Essential	Intrusive	Internal	Yes	Minimal intrusion. Currently recommendation, although 'change in law' anticipated to come in October 2023 which will make Electrical condition reports mandatory which should make the process easier.
Repairs	Essential / Non-Essential	Dependant	Internal / External	Dependant on repair	Where the repair relates to a potential health and safety issue and could have an impact on the integrity of the building or the tenant's health and safety then enforcement action should be considered.
Stock condition survey	Essential	Non-Intrusive	Internal / External	No	To assist Housing Health and Safety Rating System (HHSRS) compliance and assist future investment decisions. Compliance with revised consumer standards set by the Regulator of Social Housing
Property Audits	Essential	Non-intrusive	Internal	Yes	Meter readings, photos etc. Visits and EPC; s for RHI claims.

					Funding could be at stake if these are not carried out.
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The list above is not exhaustive and there may be other elements of work which arise in the future, and it will need to be agreed whether enforcement action is taken.

6. Exceptional Circumstances

6.1 Whilst there are several reasons that it would be unadvisable for contractors to carry out the work at that particular time, the reasons noted at 2.1 are not acceptable.

6.2 The Council may only accept refusals for work in exceptional circumstances and will not allow a tenant to refuse without a valid reason. However, officers will help and support the tenant throughout the works and aim to minimise the inconvenience as far as is possible.

6.2.1 Ultimately the Council may take the decision to enforce by way of injunction.

6.3 Some tenants are not in a position to go through the disruption. Some examples include:

- Being medically unfit or going through a prolonged illness
- Having ongoing and / or significant medical treatment
- Having a disability and have no-one to assist them to prepare for the works
- Caring for someone who is terminally ill in the house
- Having recently been discharged from hospital and still recuperating
- Recently having been bereaved

The list above is not exhaustive and there may be other exceptional circumstances that arise. The Council will take these into account and use discretion as to whether works should commence and will work with and support tenants as necessary.

7. Options for support & Assistance

7.1 In order to keep our -stock well maintained and keep refusals to a minimum, the following list of best practice guides and measures has been devised.

7.2 Decisions about any further actions required to support tenants will need to be discussed and agreed with managers.

Options for support / Assistance	Best practice / Measure	Manager approval required (where cost associated)
Letter to residents as soon as Capital programme approved detailing plans for their property, the reason for the works, an estimated start date and ways to help them prepare. The letter should also include a reminder of their obligations as a tenant to allow us to carry out repairs / improvements	Best Practice	No

Surveys undertaken by in house surveyors to determine full scope of the works required and discuss any concerns tenants may have about upcoming works	Best Practice	No
Point of contact to be issued for all communication prior to and for the duration of the works	Measure	No
Offer to liaise with family / friends to help where required	Measure	No
Provision of packing boxes	Measure	Yes
Offer of flexibility (for example, if project is going to be on site for a number of weeks, offer of flexibility when works can be programmed)	Measure	No
Support to pack / move items	Measure	Yes
Choices (i.e., chased or surface mounted electrics / pipework), colour choice of component (i.e., door) etc.	Measure	No
Alternative daytime accommodation	Measure	Yes, if cost associated with it. It could be that older tenants could be offered the use of communal spaces in sheltered blocks if close by
Decoration scheme	Measure	No (see policy)
Decoration allowance	Measure	No (see policy)
Look at what events are in the area, might be worth programming work shortly after local services event to de-clutter prior to the works (where skips are made available for tenants to get rid of items they no longer want)	Best practice	No
Alternative overnight accommodation	Measure	Yes, if cost associated with it. May need to move tenant to hotel for the duration of the works
Testimonials / viewing of already completed works	Best practice	No
Deep clean following works if necessary	Measure	Yes

8. Injunction process

~~Please refer to appendix 1 for the process to be followed in relation to Capital programme works and appendix 2 for the process to be followed in relation to repairs and maintenance.~~

[8.1](#) Injunctions are discretionary remedies and if the tenant opposes the improvement the Court will need to consider the tenant's objection, which is likely to result in a trial. The success or otherwise may also depend on the type of improvement and why the work is being carried out (including the strength of the recommendation).

9. Monitoring and Review

9.1 A comprehensive record of refusals is kept utilising the contact management system (QL) and the asset management system (MRI) ensuring that retrospective improvements can be made either when the property becomes void or when a new tenant moves in. Where the improvement is omitted from the programme property data is updated to include correct data.

9.2 A comprehensive record of injunction applications and outcomes is kept, along with any lessons learned from past injunction proceedings.

10. Equality, Diversity and Inclusion

10.1 Equality and diversity affects all aspects of our business and, as such, its principles are integral to everything we do. As a landlord and an employer, MCC aims to recognise and respond positively to people's differences, while providing equality of opportunity in relation to the services and careers we provide and support.

10.2 This means that no person or group of people, either working for MCC or seeking housing, services, employment or contracts from us, will be treated less favourably because of their or their partner's, families, friend's or associated person's protected characteristics, which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including race and ethnicity, nationality, immigration status), religion or belief, gender and sexual orientation. This includes individuals either already serving on or applying to join our Board.

10.3 We recognise the importance of ensuring all our residents have equal access to our services which are relevant, responsive and sensitive to the needs of our existing and future residents.

10.4 We will treat all our residents fairly whilst valuing diversity with the aim to meet the needs and choice of people from all backgrounds.

10.5 An Equality impact Assessment has been completed and is available on request [2](#)

10.6 Access to translation services to enable access.

11. Supporting policies and procedures

11.1 This policy also links to:

- Equality, Diversity and inclusion policy

- Electrical safety policy
- Tenant improvements policy
- Gas Safety policy
- Decorating voucher scheme
- MCC's zero carbon strategy
- Fire Risk strategy
- Governments Decent Homes standard
- Tenancy Agreement

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