Exeter City Council – Asset Maintenance

No Access Protocol

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Contents

1. Objectives 4

1.1 4

2. Purpose 4

3. Scope 4

4. Protocol Principles 4

5. Responsibilities 5

6. Access Process 5

7. Reasonable Adjustments and Vulnerability 5

8. Emergency and Forced Access 5

9. Contractors 6

10. Records, Monitoring and Review 6

11. Equality, Diversity and Data Protection 6

1. Objectives

1.1 At Exeter City Council (Assets) we will:

a) Ensure compliance with all relevant legislation.

b) Undertake suitable and sufficient training to comply with this protocol.

c) Ensure suitable and sufficient resourcing is available to comply with this protocol.

d) Carry out access and all associated processes in a fair – tenant focused, standardised, professional and legal manner.

2. Purpose

This protocol sets out how Exeter City Council will obtain access to Council Housing homes and communal areas where access is needed to carry out statutory inspections, safety checks, repairs, servicing, surveys, maintenance, improvement works or other landlord functions.

The aim is to keep residents safe, maintain homes to the required standard, meet legal and regulatory duties, and manage no-access cases fairly, consistently and proportionately.

3. Scope

This protocol applies to Exeter City Council homes, communal areas and any other housing assets managed by Exeter City Council Assets. It applies to Council employees, appointed contractors, agents and partners acting on the Council's behalf.

It covers access for landlord safety and compliance activities, repairs, servicing, inspections, surveys, planned works, emergency works and associated property management activity. It does not replace separate procedures for tenancy breaches, anti-social behaviour or rent arrears.

4. Protocol Principles

- Access will be requested only where it is necessary, lawful and proportionate.
- Residents will be given clear information about why access is needed, what work will be carried out, and any consequences of continued refusal or missed appointments.
- The Council will make reasonable attempts to agree access before considering formal action.
- Known vulnerabilities, communication needs and reasonable adjustments will be considered at the earliest opportunity.
- Legal action, injunctions or forced entry will be used only where justified, authorised and in line with the relevant procedure.
- All access attempts, decisions and outcomes will be recorded accurately.

5. Responsibilities

- The Head of Service is responsible for ensuring this protocol is implemented, resourced and reviewed.
- Team Leads are responsible for maintaining procedures, monitoring compliance and escalating risks.
- Employees, contractors and agents must follow the approved access procedures, act professionally, and record all relevant contact and activity.

6. Access Process

Where access is required, the Council will normally use its standard access procedure. This may include appointment letters, telephone contact, text message, email, home visits, calling cards, liaison with support agencies, and escalation to managers where access remains outstanding.

If access is not achieved after reasonable attempts, the Council will review the case, consider any known vulnerabilities or barriers, and decide whether further engagement, a reasonable adjustment, legal action or another route is appropriate.

7. Reasonable Adjustments and Vulnerability

The Council will consider reasonable adjustments in line with the Equality Act 2010, the Public Sector Equality Duty and the Housing Services Resident Vulnerability Policy. Adjustments may include alternative communication methods, additional time, support from advocates or carers, joint visits, or liaison with relevant support services.

The Council will only pursue legal remedies once all reasonable attempts to gain access by agreement have been exhausted. We will always take a proportionate approach, using legal action only as a last resort. Relevant Council policies and procedures relating to social, mental, and environmental health support will be used alongside safety and compliance processes to ensure a sensitive and balanced approach for tenants, leaseholders, other occupiers, and members of their households who have vulnerabilities.

8. Emergency and Forced Access

Immediate or emergency access may be required where there is a serious risk to health, safety, life, property or legal compliance. Such access will only be attempted where necessary, authorised, safe to do so, and in accordance with the Immediate and Emergency Access Procedure.

Forced entry will be considered only as a last resort, or in an emergency where delay would create unacceptable risk. The property must be left safe and secure, and the reasons, authorisation, actions and outcome must be recorded.

9. Contractors

Contractors must be competent, appropriately appointed and briefed on this protocol and the relevant access procedures. The Council will monitor contractor performance through contract management, communication, performance measures and review of no-access cases.

10. Records, Monitoring and Review

Accurate records must be kept of appointments, contact attempts, resident responses, access outcomes, vulnerability considerations, reasonable adjustments, authorisations and any legal or emergency action. Records will be held in the Council's housing management systems in line with data protection requirements.

Performance and compliance will be monitored by the relevant managers and reported through existing governance arrangements. This protocol will be reviewed every three years, or sooner if legislation, regulation, organisational arrangements or service learning require it.

11. Equality, Diversity and Data Protection

This protocol will be applied fairly and without discrimination. The Council will have due regard to equality, diversity, human rights and resident vulnerability when making access decisions.

Personal data will be processed lawfully, fairly and securely in accordance with the Data Protection Act 2018, UK GDPR and the Council's data protection policies.