



# TENANCY INSPECTION POLICY

2023

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## 1 Introduction

1.1 This policy outlines Mid Devon Housing's (MDH) approach to obtaining access to our tenanted properties, including gardens and outside areas. This policy covers:

- When MDH may need access to a property
- Tenancy Home Checks and the reasons for them
- Responsibilities
- What action MDH will take if access to a property is denied by a tenant
- This policy does not cover obtaining access to a property as part of a repossession process and it does not cover a property that has been abandoned
- This policy applies to all properties that are owned by MDH

1.2 MDH have a commitment to make best use of our homes and that this policy is closely related to our Tenancy Standard Policy which sets out our approach to the management of tenancy related fraud.

1.3 This policy explains the purpose of carrying out tenancy home checks, the type of information collected and the action to be taken when concerns are raised.

## 2 Legal Framework and Context

2.1 Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes.

- 2.2 The Regulator of Social Housing regard councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements.
- 2.3 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.
- 2.4 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and several are particularly relevant to the aims of this policy:
- To be safe in your home (Chapter 1)
  - To know how your landlord is performing (Chapter 2)
  - To have your complaints dealt with promptly and fairly (Chapter 3)
  - To have a good quality home and neighbourhood to live in (Chapter 6)
- 2.5 As part of the new consumer regulation regime, from April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance which will include responsible neighbourhood management
- 2.6 The TSM measures under tenancy inspections include:
- TP01 – Overall satisfaction
  - TP04 – Satisfaction that the home is well maintained
  - TP05 – Satisfaction that the home is safe
  - TP06 – Satisfaction that the landlord listens to tenants views and acts upon them
  - BS01 – Gas Safety Checks
  - BS02 – Fire Safety Checks

### 3 Policy Aims and Objectives

#### 3.1

##### Aim

This policy aims to ensure that tenants are aware of the circumstances when MDH will seek access to their properties and the tenant's responsibility in providing that access.

## Objective

Overall the policy outlines Mid Devon Housing's (MDH) approach to obtaining access to our tenanted properties, including gardens and outside areas and explains the type of information collected and the action to be taken when concerns are raised.

## 4 When MDH may need to access a Property

4.1 MDH may need access to a property for many reasons, some of which include:

- To carry out a welfare check if concerns have been raised
- Carry out a tenancy home check
- To check the condition of a property
- To carry out a stock condition survey
- To carry out a safety check, servicing or a repair
- To investigate any possible tenancy breaches
- Investigate alleged tenancy fraud

4.2 If MDH need to access a property, all reasonable attempts to contact the tenant will be made. There may be urgent circumstances in which MDH will not be able to give advance notice of a visit.

4.3 MDH will from time to time make unannounced visits to carry out a Tenancy Home Check. The officer visiting will carry out an inspection there and then, with the consent of the tenant. If the tenant does not consent, the visiting officer will give at least 24 hours' notice of an inspection.

## 5 Tenant Responsibilities

5.1 If we believe there to be a risk of damage to the property or an adjoining or in order to comply with our statutory duties, the tenant must allow us or our employee's immediate access to the property.

5.2 Individual tenancy agreements will detail tenants' rights and responsibilities in relation to providing access to their home.

5.3 Tenants must allow MDH or our contractor's access into their home when we request it, or if they request a repair or inspection. MDH and its contractors will always carry identification when visiting a property.

5.4 The Tenancy Agreement is a legally binding document and as such all tenants who have signed an agreement have agreed that:

*'We visit our properties periodically in order to carry out inspections, such as tenancy home checks. Tenancy home checks are unannounced visits, however if you do not wish to give us access, we will give you twenty four hours' notice of a further visit'.*

## 6 Denying MDH Access

6.1 Most tenants allow access to their homes as and when required. If a tenant does not allow MDH access, they may be in breach of their tenancy and MDH may take legal action.

6.2 If a tenant refuses access after reasonable requests, MDH may take all any of the following actions:

- Serve a Notice of Seeking Possession, informing the tenant of MDH's intention to seek possession of the property
- Ask the court for an injunction to allow MDH access into the property. If a tenant has repeatedly refused access, MDH can ask the court to grant an injunction to last the life of your tenancy, to allow us ongoing access to the property, for a specific reason, e.g. gas safety checks.

6.3 If a tenant continues to refuse reasonable access, MDH will apply to the court for possession of the property. This decision may be taken if:

- The tenant fails to respond to attempted contact, or
- The tenant fails to allow access after the Court has given MDH an injunction, or
- The tenant routinely fails to allow MDH access

## 7 Entering a Property without Permission

7.1 There are occasionally exceptional circumstances in which MDH will need to enter a property without prior permission, where:

- There has been an identified serious health and safety risk to occupants
- There is likely to be damage to the building if immediate action is not taken
- There is immediate concern for the wellbeing of someone in the property

7.2 Some exceptional circumstances can include, but are not limited to:

- A water leak and the tenant is not contactable
- An expired gas certificate and the tenant is not contactable and there is no-one to allow access

- 7.3 If MDH are made aware of a gas leak, or a structural concern, officers will not enter the property. MDH will contact the relevant emergency services and utility companies immediately.
- 7.4 If there is a possibility that a tenant has fallen unwell or has passed away, MDH will contact the police and request their presence to enter the property along with a Housing Officer
- 7.5 MDH will only enter a property without permission as a last resort.
- 7.6 Where MDH require urgent access MDH will pursue a civil remedy including applying for an injunction and/ or possession proceedings.

## 8 Tenancy Home Checks

- 8.1 A Tenancy Home Check is a survey, which involves a member of the Housing team visiting tenants in their home to complete a short questionnaire, and take down some details about them and their household.
- 8.2 MDH will visit properties in the housing stock regularly in order to carry out tenancy home checks. Regular inspections allow MDH to:
- Provide support to tenants who are vulnerable;
  - Check where there are safeguarding or welfare concerns;
  - Increase customer profiling information;
  - Identify opportunities for service improvement and tenants who wish to become involved;
  - Check who is living at the property;
  - Raise concerns about the condition of a property or safeguarding issues following an inspection;
  - Check that tenants are complying with the terms and conditions of their tenancy;
  - Investigate alleged tenancy fraud;
  - Identify abandonment and non-occupancy of a property;
  - Prevent unauthorised subletting or assignment; and
  - Identify concerns around property condition, such as potential health and safety risks such as hoarding and disrepair.
- 8.3 MDH Officers may make unannounced tenancy home checks at properties. MDH will either carry out a check there and then provided the tenant consents, otherwise the Officer will give at least twenty four hours' notice of a tenancy home check.
- 8.4 During a tenancy home check, MDH will obtain information about the household and inspect the property including external areas.

8.5 Officers will prioritise tenancy home checks where there is a concern:-

- That the tenant may be vulnerable and that safeguarding concerns have been raised;
- That the property has been obtained using fraudulent information;
- That the tenant is not using the property as their only and principal home;
- The keys have been passed to an unauthorised person and the tenant is allowing them to reside at the property;
- The property is being sublet;
- The property is being allowed to be used for illegal or immoral purposes;
- That the property is in poor condition;
- There have been reports that the property has been/is being damaged;
- There have been reports that there is a possible hoarding situation;
- There have been reports that the property has been abandoned;
- There has been repeated requests for replacement keys;
- The tenant has failed to give access for the annual gas check;
- The tenant fails to respond to letters from the Council;
- About a lack of repair requests or concerns have been raised by contractors;
- Raised by a neighbour, including complaints of frequent visitors or communal damage in blocks of flats;
- Of overcrowding in a smaller property;
- There are rent arrears, payments being made by a non-tenant or there is a large credit on the rent account, which could indicate that the tenant has been absent from the property for a prolonged period; or
- The above is not an exhaustive list.

8.6 MDH Officers will follow up any tenancy home checks where concerns have been raised. They will liaise with relevant agencies where appropriate. Where any breach of the terms of the tenancy agreement is identified, appropriate action will be taken.

8.7 Following a tenancy home check, where applicable, MDH will refer tenants to the relevant agency for further support and advice.

8.8 Targeted property condition checks by Neighbourhood Officers and other tenancy staff will be carried out where a notice of end of tenancy has been received. All ongoing tenants providing notice will be requested to complete an end of tenancy checklist regarding property condition and damage. Please refer to [MDH Voids Policy](#) for further detail.

## 9 Household Information

9.1 During a tenancy home check, Officers will review and update the information currently held about the tenant and their household members. Information collected will include:-

- Household details;
- Date of birth;
- Gender;
- National Insurance number;
- Contact details of tenant, their next of kin and emergency contact;
- Income details of the tenant and/or spouse, civil partner or partner living at the property (Flexi Tenancy Review Inspection only);
- Any household Member with any protected characteristic; and
- Any household member who is vulnerable or may require reasonable adjustments when dealing with MDH – Please refer to the [MDH Vulnerability Policy](#) for further detail. This includes primary and preferred language.

9.2 When we visit we will ask tenants for proof of identity to guard against fraud, it will enable us to determine that the person who has the Tenancy Agreement is the person who is occupying the home. We will ask for:

- Two forms of identification, one document should contain a photograph of the tenant such as a passport or driver's licence; and
- Proof that the tenant lives at the property, such as a utility bill or a bank statement.

9.3 As an additional check, tenants will also be asked to sign the completed tenancy home check survey, which will enable us to verify their signature against their Tenancy Agreement.

## 10 Stock Condition Surveys

10.1 As a Registered Provider MDH must have an accurate, up-to-date and evidenced understanding of the condition of its homes that reliably informs their provision of good quality, well maintained and safe homes for tenants.

10.2 Stock condition surveys will be undertaken at all of our homes on a rolling bases to ensure that tenants homes are meeting the standards set out in section five of the Governments Decent Homes Guidance and that there are no health and safety concerns.

## 11 Complaints and Feedback

11.1 We try to get things right the first time and when we do, we would love people to let us know. It's great for us to receive positive comments or feedback, so if people wish to complement our staff for doing a great job, we would love to hear from them.

11.2 If things do go wrong the council is committed to:

- Dealing with complaints and comments quickly and effectively; and
- Using complaints, comments and compliments to review and improve our services



- 11.3 When people contact us to tell us they are dissatisfied with the service we have provided, we will offer them the choice to have an informal conversation to see if we can put things right quickly, without the need for a formal investigation.
- 11.4 The Housing Ombudsman Service advise that a complaint must be defined as:
- *‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents’.*
- 11.5 Where a tenant considers that the council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved ‘there and then’ by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.
- 11.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, which can escalate from stage 1 or stage 2 if they are still not satisfied with the response. Having been through stages 1 and 2 and they are still not satisfied, the tenant may contact the Housing Ombudsman Service.
- 11.7 MDH’s complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)

## 12 Review and version control

- 12.1 MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues.
- 12.2 This policy was produced in 2023 and is version 5.00
- 12.3 This policy was adopted by Cabinet on xxxx