

A close-up photograph of two hands, one from the left and one from the right, with fingers spread and palms facing each other, forming a protective arch over a small, red and white toy house. The house has a red roof and red walls with white window and door cutouts. The background is a blurred white shirt.

NON-ACCESS POLICY

Freebridge
COMMUNITY HOUSING



Non-Access Policy			
Last Reviewed	June 2026	Next Review	June 2027
Responsible Officer	Chief Operations Officer		

Policy Statement: Freebridge Community Housing has legal and regulatory duties to ensure that its homes are safe, well-maintained, and free from hazards. Fulfilling these duties requires reliable access to the properties we own and manage.

This policy governs Freebridge's approach when access is not achieved. It establishes the principles, scope, governance, and accountability framework within which non-access cases are managed.

Scope:

This policy applies to:

- all properties owned or managed by Freebridge Community Housing;
- all Freebridge staff and contractors acting on Freebridge's behalf;
- all residential tenants and leaseholders in Freebridge properties.

It covers access for statutory health and safety compliance inspections, fire safety, damp and mould investigation and remediation, emergency and urgent responsive repairs, planned maintenance, capital works and retrofit, general tenancy access (including safeguarding, wellbeing, and tenancy fraud), and emergency access.

It does not cover access sought for routine repairs, which are managed through a simpler process described in the Non-Access Protocol, or access sought in connection with rent arrears enforcement, ASB, or repossession proceedings — separate policies apply to those.

Policy Detail:

Legislative and Regulatory Framework

Freebridge's obligations to access properties arise from a range of legislation and regulatory requirements. The table below summarises the principal compliance areas, their legal basis, and the consequence of persistent non-access.

Type of access	Legal basis	Consequence of persistent non-access
Annual gas safety inspection (CP12)	Gas Safety (Installation and Use) Regulations 1998	Criminal offence (HSE prosecution); last resort: County Court injunction for breach of tenancy agreement.
Five-yearly EICR (electrical installation)	Electrical Safety Standards (Social Rented Sector) Regulations 2025	Breach of statutory duty; last resort injunction; landlord has statutory defence where tenant refuses
Fire door servicing	Fire Safety Act 2021; Building Safety Act 2022	Regulatory breach; potential fire authority prohibition notice
Water hygiene / Legionella	HSE ACOP L8; Health and Safety at Work Act 1974	HSE enforcement action
Damp and mould investigation and remedy	Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (Awaab's Law)	Breach of statutory timeframes; ombudsman complaint; compensation liability
Responsive repairs	Landlord and Tenant Act 1985, s.11; Tenancy Agreement	Property deterioration; resident claim for damages
Planned maintenance and capital works	Tenancy Agreement	Programme slippage; building fabric deterioration

Additional legislative context includes: the Human Rights Act 1998 (Article 8 right to private and family life — all access must be proportionate and lawful); the Protection from Eviction Act 1977 (unauthorised access without lawful authority is a criminal offence); the Equality Act 2010 (reasonable adjustments for disabled residents); and the Regulator of Social Housing's Consumer Standards (effective 1 April 2024), which require registered providers to have an effective approach to safety compliance including access.

Guiding Principles

Freebridge's approach to non-access is governed by the following principles. These align with best practice identified by HQN's Opening the Door research (December 2025) and the ASCP's Access for Safety campaign.

Principle	What this means in practice
Safety first	The purpose of every non-access case is to protect the tenant's safety. All decisions must be made through this lens.
Vulnerability-led	Every non-access case is treated as a potential safeguarding concern until a vulnerability assessment has been completed. We do not assume wilful non-compliance.
Early and personal	Direct personal engagement from an FCH team member within days of a failed appointment is significantly more effective than letters and notices. We intervene early.
Proportionate	The response must fit the individual circumstances. A vulnerable elderly resident with dementia requires a very different approach to a tenant who has deliberately changed their locks.
Collaborative	Communities Advisors, support workers, carers, and external agencies are partners in this process. We do not work in isolation on complex cases.
Legal action as last resort	Legal action is pursued only where all reasonable engagement has been exhausted and there is a realistic prospect of it achieving access. It is not a default procedural step.
Blame-free and learning-oriented	When access is not achieved, we examine what in our systems, communication, or processes may have contributed — not only what the resident did. Non-access events feed into organisational learning.

Residents Rights and Responsibilities

Rights

Freebridge respects that all residents have a legal right to quiet enjoyment of their home. This means we will:

- give adequate advance notice of all visits (except genuine emergencies);
- ensure staff and contractors always carry and present identification;
- explain clearly why a visit is needed and what it involves;
- listen if an appointment is not convenient and offer alternatives; and
- treat all residents with dignity and respect at all times.

Responsibilities

Under the terms of their tenancy or lease agreement, residents are required to permit Freebridge, its staff, and its authorised contractors to enter their home for the purposes described in this policy, on reasonable notice, with a responsible adult (aged 18 or over) present.

Residents should notify Freebridge promptly if they cannot accommodate a scheduled appointment so that an alternative can be arranged. Persistent, unexplained refusal of access for statutory safety checks may be treated as a breach of the tenancy agreement and may, as a last resort, lead to legal action.

Operational Framework

The full operational procedure for managing non-access cases is set out in the Non-Access Protocol. The Protocol sets out a single five-stage process that applies across all the access types within the scope of this policy — not only health and safety compliance, but also fire safety, damp and mould, responsive repairs, planned and capital works, and general tenancy access.

The Protocol covers:

- which team leads each type of access case, and the functional roles involved at each stage (Case Owner, Escalation Lead, Senior Reviewer);
- the five-stage escalation process, from referral to legal route, and how the timeframes and thresholds for that process vary by access type;
- the vulnerability screening framework and sources to check;
- the communication approach, including accessibility requirements;
- contractor requirements and standards;
- emergency access, when it applies and the process to follow;
- legal remedies available to Freebridge as a private registered provider, specifically the County Court injunction for breach of tenancy, with the critical limitations on its use following the November 2025 Court of Appeal ruling;
- record-keeping requirements;
- escalation and reporting triggers;
- key contacts and partner agencies.

The Protocol is owned overall by the Compliance Manager, with operational responsibility for each access type resting with the relevant service area as set out in the Protocol. It must be read by all staff involved in managing access on Freebridge's behalf, in whichever team they sit.

Roles and Responsibilities

Role	Responsibilities under this policy
Chief Operating Officer	Policy owner. Overall accountability for safety compliance and this policy. Informed of all Stage 4 and Stage 5 cases. Approves any possession or committal action.
Heads of Service	Authorises legal action pertaining to their area of accountability. Receives monthly compliance exception reports

	including non-access performance. Informed of all Stage 4 cases.
Compliance Manager	Operational lead for the Non-Access Protocol. Stage 4 decision-maker. Authorises legal referral. Reports performance to the Head of Asset Management monthly.
Compliance Business Support Manager	Stage 3 escalated engagement lead. Conducts Stage 4 case reviews. Ensures the case file is complete before any legal action is considered.
Compliance Coordinators	Day-to-day management of non-access cases from Stage 2. Maintain the case log. Complete vulnerability screens. Liaise with Communities Advisors.
Head of Safety	Responsible for fire safety and building safety access, working in parallel with the Compliance team on multi-discipline cases.
Communities Advisors	Engaged at Stage 3. Use resident relationships and local knowledge to support access. Lead tenancy management interventions in parallel where relevant.
Contractors	First point of contact on the day of a failed appointment. Refer cases to FCH within 2 working days. Maintain professional standards on the doorstep.

Monitoring and Reporting

Freebridge will monitor the following performance metrics in relation to non-access, reported to the Compliance Manager and Head of Asset Management monthly, and to the relevant Board committee quarterly:

- first-time access rate by compliance discipline (gas, EICR, fire doors, water hygiene, damp and mould);
- number and percentage of properties at each stage of the escalation process;
- number of properties within 90, 60, and 30 days of a statutory compliance deadline without access confirmed;
- number of cases escalated to legal action (Stage 5);
- proportion of non-access cases where a vulnerability factor was identified;
- first-time access rates by neighbourhood and contractor (to surface systemic patterns).

Where access is consistently not achieved in a particular area, property type, or from a particular contractor, a structured root cause analysis will be conducted. Significant non-access events, particularly where a compliance deadline is missed, will be reviewed through Freebridge's Lessons Learned Group (LLG) using an organisational learning approach focused on systemic factors, not individual attribution.

Equality, Diversity and Inclusion

Freebridge will maintain an Equality Impact Assessment for this policy. We recognise that certain groups of residents are disproportionately affected by access difficulties, including disabled residents, older residents, residents with mental health difficulties, and residents who are digitally excluded.

Our approach to non-access must actively avoid indirect discrimination. All access must be proportionate to the legitimate aim of ensuring resident safety and must respect Article 8 of the Human Rights Act (right to private and family life). The Non-Access Protocol sets out in detail how we make reasonable adjustments, respond to vulnerability, and tailor our communication to individual needs.

See also [Customer Equality, Diversity and Inclusion Policy](#).

Complaints

Residents who believe Freebridge has sought access unreasonably, without proper notice, or in a manner that does not comply with this policy may raise a complaint under Freebridge's Complaints Policy. Complaints about access are taken seriously, investigated under the Housing Ombudsman's Complaint Handling Code, and reviewed alongside performance data to identify systemic issues.

Policy Review:

This policy will be reviewed every two years, or sooner if there is a material change in relevant legislation or regulatory guidance, a significant non-access incident or Housing Ombudsman determination, or a material change in Freebridge's stock or team structure.

Appendix: Key Legislative and Regulatory References

Legislation

- Gas Safety (Installation and Use) Regulations 1998
- Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025
- Fire Safety Act 2021; Building Safety Act 2022
- Social Housing (Regulation) Act 2023
- Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025
- Landlord and Tenant Act 1985
- Housing Act 1985; Housing Act 1988; Homes (Fitness for Human Habitation) Act 2018
- Human Rights Act 1998; Equality Act 2010; Protection from Eviction Act 1977

Regulatory and sector guidance

- Regulator of Social Housing: Consumer Standards (2024)
- Housing Ombudsman: Spotlight Report - Repairing Trust (2024)
- HQN: Opening the Door - Changes to Support Necessary Access to Social Tenants' Homes (December 2025)
- ASCP: Gaining Access for Safety Checks in Social Housing (White Paper, April 2024)
- ASCP: Safety Can't Wait Outside - Access for Safety Campaign White Paper (2026)
- HSE ACOP L8: The Control of Legionella Bacteria in Water Systems

Case law

- Rees v Plymouth [2020] EWCA Civ 816 - landlord's right of access must be proportionate and reasonable
- Court of Appeal, November 2025 - County Court has no inherent power under CPR to authorise forced entry; injunctions must contain an explicit power of entry provision