

	Policy Name	Accessing Apartments Policy
	Version No.	4
	Approval Date	September 2023
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Accessing Apartments Policy	
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Version Control

Version	Date	Description	Updated By	Approved By
1	June 2017	New policy	RK	ELT
2	May 2018	Policy review	RK	ED Ops
3	Jan 2019	Revised policy in new format	RK	ED Ops
4	August 2023	Fully revised policy to replace version 3 – formerly known as ‘Accessing Resident Homes & Control of Keys Policy’ (2019)	RK	ED Ops

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1. Policy Purpose & Aim

The ExtraCare Charitable Trust (ExtraCare) are committed to delivering our vision – ‘Better Lives for Older People’. As part of this, we are committed to maintaining the right balance between upholding residents’ right to privacy in their own home (‘quiet enjoyment’) and the need for us to access residents’ apartments for specific, legitimate purposes. We will not access a resident’s apartment without good reason.

This policy identifies the specific purposes where we may seek to access a resident’s home and describes how this access would be gained. This policy also defines what ExtraCare would class as an emergency where we would seek to access an apartment immediately without prior consent. It also identifies the steps we will take to access an apartment in non-emergency situations and the actions we will take to prevent apartments from being accessed without good reason.

For clarity, the word ‘apartment’ within this policy also applies to other types of ExtraCare properties (for example, bungalow or cottage). The emphasis on ‘apartments’ merely reflects most of the housing that is owned / managed by ExtraCare are apartments.

2. Objectives

The objectives of this policy are to:

- To ensure that apartments are accessed only with legitimate reason, and with appropriate authorisation;
- To ensure that all residents and staff are aware of the specific legitimate reasons that we may access an apartment;
- To ensure that residents and staff are clear the circumstances in which we may access an apartment immediately /without consent, by defining what we mean by an emergency;
- To ensure that keycards are appropriately controlled to prevent the risk of apartments being accessed without permission or authorisation;
- To ensure that the privacy and security of residents is maintained; and
- To ensure that ExtraCare can carry out our responsibilities as a landlord and to fulfil our duty of care towards residents living within a retirement community.

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3. Scope of Policy

This policy applies across all ExtraCare's locations. The only variation to this policy is in locations where ExtraCare do not carry out the landlord function as this is carried out instead by the partner landlord. In these circumstances, the policy of the partner landlord will apply in relation to gaining access to carry out their landlord duties. This policy will still apply, however, in relation to access because of resident wellbeing and / or care service delivery.

4. Responsibilities

Executive Leadership Team	Responsible for approving this policy and any subsequent updates or reviews.
Head of Operations	Review all breaches of policy that result in unauthorised access and ensure actions are put in place to remedy breach.
Regional Operations Managers	Ensure the implementation of this policy across all ExtraCare locations. Take appropriate action where there may have been a breach of policy. Ensure the appropriate controls are in place in locations to ensure master keycards are not used by unauthorised persons.
Location Managers	Ensure enactment of policy by ensuring all location staff, including temporary or agency staff, are fully compliant with policy. Ensure the appropriate distribution and monitoring of Master Cards that have access to residents' apartments.
Housing Officers / Sales Advisors / Location Housing Teams	Ensure residents are aware of the Policy (through new resident sign up / annual resident visit) and report any breaches of policy.
Housing & Resident Engagement Manager	Consult with Resident Forum on any substantive changes or revisions to the policy. Provide advice in relation to implementation of the policy.

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5. Monitoring & Review

This policy will be reviewed in three years to consider its effectiveness, or sooner if there are any material regulatory or legal changes. Regional Operations Managers will monitor the effectiveness of the Policy and forward any recommendations for changes to the policy author, being the Housing & Resident Engagement Manager. Any changes will be consulted on with ExtraCare's Resident Forum.

6. Risk Management

We have an averse to minimalist risk appetite for non-compliance with legal and regulatory requirements and this is reflected in our strategic and corporate risk registers.

Adherence to this policy will ensure that appropriate measures are in place to maintain the privacy, rights, and security of residents; whilst ensuring that there are clear measures in place to enable ExtraCare to gain access in the following situations:

- to fulfil our statutory requirements for gas, electric, fire, water, asbestos
- to carry out essential maintenance
- in an emergency, where either the property or person may be at risk of harm
- to deliver care to those residents receiving ExtraCare's care service, where this is agreed in the Care Plan

The policy provides a provides a framework to ensure that access to apartments is appropriately managed within locations, and to provide equity and consistency across locations.

7. Statement of Commitment

ExtraCare recognises that its aims are at the core of its vision of "Better lives for older people". This policy aligns with our value of transparency. We will commit to the policy by ensuring that the policy is available as a public document for all residents and potential residents to view; publicising the policy to residents through Resident ('Street') Meetings; providing training to relevant staff including location managers; and Regional Operations Managers will ensure that the policy is appropriately implemented within locations.

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8. Additional arrangements

8.1 Overview

Our policy is to access residents' apartments only with their express consent; or – where this is not given or available – to have safeguards in place to ensure apartments are accessed only for specific and legitimate reasons, and with the appropriate authorisation given for doing so. We commit to not accessing a resident's apartment where there is no good reason identified. We also state that there are some circumstances where we may access an apartment without prior consent, being those we deem to be an emergency.

All but one of our locations have an electronic keycard system, supplied by Salto Systems. This means that ExtraCare can programme keycards at locations to provide different access capabilities.

The Salto system enables different types of keycards, such as wristbands and other devices. The use of the word keycard in this policy refers to all such devices.

Our policy is to control and monitor the use of keycards. Keycards are issued to residents to provide access to their apartment and to relevant communal areas. Keycards are issued to non-residents for the purpose of accessing membership services (e.g., gym). Keycards are also issued to staff, and contractors working on behalf of ExtraCare, to enable access to areas in the building that are required as part of their role.

We issue residents with up to 3 (max) keycards on sign-up. Residents may request additional keycards (e.g., for a family member) which would incur an additional cost and are issued at the discretion of the location manager. Residents are responsible for the keycards issued to them. Lost or stolen keycards should be reported to ExtraCare so that they may be deleted from the Salto system.

In general terms, staff or contractors will not be issued with keycards that can access residents' apartments.

Staff requiring access to residents' apartments will be issued such cards only where they are authorised to do so. This will usually be to care staff for the purposes of delivering care, where the resident has agreed that access can be gained using such a keycard.

Master keycards are those which provide access to all areas, including resident apartments. These will be strictly controlled and used only by staff authorised by the location manager and

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will be used to gain access to a property only when required under guidelines within this policy. Master keycards will not be routinely used by staff, including care staff.

We reserve the right to use a master keycard to gain immediate entry without consent to a resident's apartment where we reasonably assess the situation to be an emergency (see below).

Where an apartment is accessed without proper authorisation or without good reason a full investigation will take place to inform changes in practice to reduce the possibility of such an occurrence and to establish if any wrongdoing has occurred that should be addressed. For any incident of unauthorised access, we will advise the resident that they are entitled to log a formal complaint and to seek redress under the Complaints Policy.

8.2 Accessing Apartments: Residents' Permission

The usual way for ExtraCare to gain access to an apartment is with the resident being present in the apartment with them allowing in the ExtraCare staff, or a contractor / agency working on ExtraCare's behalf. This will usually be by prior appointment / arrangement.

However, if the resident is not going to be at home, then we will request that the resident arranges for someone else to be present instead (e.g., family member). ExtraCare reserves the right *not* to enter a resident's apartment without the resident being present, even if consent has been given to do so if there may be a risk to ExtraCare staff in doing so. Indeed, access with/without consent and without the resident being present will only be gained by ExtraCare in the absence of any other alternative and a risk of not doing so has been established.

Permission must be given clearly by the resident and recorded by ExtraCare appropriately in writing. ExtraCare will make every effort to ensure that two members of staff enter the apartment in the absence of the resident; and that we provide reasonable supervision of external contractors.

Permission must be given by the resident for each time they consent to ExtraCare accessing the property in their absence. ExtraCare are unable to act upon 'blanket' (or 'open-ended') permission; each separate access requires separate consent.

Additional access arrangements may exist in the circumstances detailed in 8.3 to 8.6 below.

8.3 Accessing Apartments: Care

For residents who receive ExtraCare's care service, residents may wish for the care team to access their apartment for the purposes of delivering personal care. In these circumstances, such permission should be recorded clearly in the care plan and contract, and consent (re)confirmed through each care plan review. Consent will expressly be for the purposes of

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delivering scheduled care and no unplanned or unauthorised access by carers should be made.

For residents who receive care from a third-party provider, residents should make access arrangements with that provider direct. ExtraCare cannot be responsible for providing access to a third-party care provider delivering routine care.

8.4 Accessing Apartments: Landlord Duties

There may be occasions where ExtraCare require access to residents' apartments to carry out statutory property compliance work and/or essential maintenance. This would be, for example, legionella prevention, gas safety or fire safety work, or urgent repairs that – if not resolved – could result in further damage to the property or other areas of the building. We will seek to arrange this in advance with the resident by arranging an appointment to carry out the work. However, if we are unable to gain access with the resident present, then we reserve the right to access the property to carry out such work, **only** where the work is either necessary to comply with our legal requirements; is required and permitted under the terms of the tenancy or lease; and/or to protect the health and safety of the wider location.

In situations where we are required to carry out essential work in the apartment, and where the resident is not enabling access, we will write to the resident **up to three times** to seek consent to access the apartment. The final written request will give at least **48 hours' notice** of our intention to use a master keycard to gain access to carry out the work identified.

In situations where we know the resident is not residing in the apartment (e.g., in hospital) then we will make all reasonable endeavours to seek consent to access the apartment before doing so. This would include contacting their nominated Power of Attorney or next of kin if appropriate to do so. The decision to access an apartment will be taken by the location manager, who will seek guidance from the Regional Operations Manager and / or Housing & Resident Engagement Manager if required.

We will not seek to access a residents' apartment without them being present where the work required is not of a legal compliance or not of a health and safety nature or an emergency. This includes routine property 'MOT's'. Non-essential maintenance will be done only with the express consent of a resident, or their nominated representative.

8.5 Accessing Apartments: Health & Wellbeing

In situations where a resident has pressed / pulled an emergency lifeline alarm, we will seek to gain access using a master keycard if we receive no response from the resident and that they are unable to confirm that they are safe and well.

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In situations where a resident has opted-in to a daily (or regular) wellbeing check and do not confirm that they are safe and well during an anticipated check, we reserve the right to access the apartment to check on their wellbeing, as per the arrangements of the wellbeing check service. We will do so only as a last resort, if we are unable to establish through other means that they are safe (e.g., through contacting a family member). In such situations, we will access the apartment with two members of staff. We may also request the assistance of the Police if there may be a risk to staff in accessing the apartment.

If we have concerns about a residents' wellbeing and we are unable to contact the resident or establish that they are safe (for example, if a resident may be reported as 'missing') we will treat this as an emergency.

If a resident lacks capacity, and – in the absence of someone appropriate acting on their behalf – we may carry out a best interest assessment to assess whether to gain access to the apartment. We will take into account what we know about the resident in terms of protected characteristics under the Equality Act, 2011 to ensure that we respond in a way that is appropriate to the individual, involving other agencies as required (e.g. Adult Social Care).

8.6 Accessing Apartments: Emergencies

ExtraCare reserves the right to gain immediate access to a residents' apartment without consent in the event of an emergency. This would be:

- (a) Repair or maintenance is required to the property immediately to prevent significant further damage to the property or neighbouring property, or where there is a danger to the person(s) occupying the property or neighbouring property – this will include to attend to items listed as an emergency repair in our Responsive Repairs Policy¹;

¹ Responsive Repair – emergency classification:

4 hours (4H)

Emergency Repairs: 4 Hour Response - where there is an immediate threat of danger due to health, safety or security risk and prompt action is required to relieve the situation.

For example:

Total loss of heating to whole of building or wing of building (more than one apartment)

Total loss of lighting to whole of building or wing of building (more than one apartment)

Total loss of power to whole of building or wing of building (more than one apartment)

Escape of gas

Serious water leak (gushing)

Entrapment in lift

Failure of fire alarm or warden control

External door not secure, including broken glass

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- (b) Genuine reason to believe that the resident may have come to harm or there is a potential risk to the resident's safety, and access is required to establish their wellbeing (Police assistance may be requested); and / or
- (c) To facilitate access to the emergency services in response to a 999 call, or upon request by emergency service to perform their duties; this includes enabling access to apartments for the purpose of law enforcement or fire safety.

IN AN EMERGENCY SITUATION WITH POTENTIAL LOSS OF LIFE, SERIOUS HARM OR IMPACT TO PERSON OR PROPERTY, FIRST CALL 999 AND FOLLOW THE CALL HANDLER'S INSTRUCTIONS.

8.7 Control of keycards

Master keycards are issued to staff only on a 'need to have' basis, to be determined by the location manager. We will ensure that master keycards are kept in a locked safe when not in use and signed in / out by the person requiring them.

Master keycards will not be taken off-site by any person.

Care staff will be issued with cards that are programmed only with the apartments in which they are delivering care, and for which permission has been given by the resident receiving care in their care plan for their use.

Care staff working at night may also be issued with an additional master keycard to enable them to respond to an emergency, at the discretion of the location manager. This will be distinctive from the keycard required for the purposes of delivering care, to prevent the master keycard being used inadvertently.

Master keycards will not be routinely issued to staff, and only designated staff nominated by the location manager will be issued with a master keycard, which will be signed in / out. Master keycards will be used only by ExtraCare staff (or – in exceptional circumstances – care agency staff). Where a master keycard is issued to a care agency staff member, they will be fully briefed on their use prior to issue.

We will issue contractors with keycards that will access communal areas only.

The electronic card / key system in use at most locations ('Salto') enables ExtraCare to audit the use of keycards. We will carry out regular audits (at least quarterly) to ensure that master keycards are still in appropriate use and cancel keycards no longer in use or required. We will routinely cancel keycards after we are satisfied that they are no longer in use.

8.8 Cancelling Keycards

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Residents: At the end of tenancy / lease the keycards will be cancelled on the Salto system. Any keycard that has been issued to a resident that has not been returned at the end of the tenancy / lease will mean that the apartment lock is electronically deactivated to prevent future access.

Non-Residents: Keycards issued to non-residents (e.g., to access gym) where access is no longer required (e.g.. due to membership expiring) will be cancelled on the Salto system. In circumstances where the routine audit of the Salto system indicates a keycard has not been used for 3 months or more, we reserve the right to cancel the keycard.

Staff: Keycards issued to staff will be cancelled on the day that the staff member leaves the employment of ExtraCare.

8.9 Unauthorised access of apartments

We will take all reasonable steps to prevent the unauthorised access of apartments by staff, or contractors acting on behalf of ExtraCare. For clarity, ExtraCare gaining access to an apartment in response to an emergency does not constitute unauthorised access, provided that access was gained in accordance with this Policy.

These steps will involve regular briefings to location staff; appropriate control of master keycards; and ensuring that residents can report unauthorised access and that the report will be taken seriously. We will treat all instances of unauthorised access as serious and will investigate accordingly. We will offer a meeting with the Regional Operations Manager, Housing & Resident Engagement Manager or Housing Officer to any resident who has had their apartment accessed without authorisation. We may also invoke the Major Incident Policy if appropriate to the situation / circumstances. We will advise the resident of their right to raise a formal complaint under ExtraCare's Complaints Policy. We will consider whether further action may be required (such as contacting the Police or other statutory agency or use HR processes).

We will provide training and guidance to location staff to ensure compliance with this Policy. We will issue work instructions and associated documents as required to assist with the implementation of this Policy.

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9. Other Relevant ExtraCare Policies & Documents

General	Resident Handbook
Related Policies	- Complaints Policy - Major Incident Escalation Policy - Responsive Repairs and Handyperson Policy - Health & Safety Policy - Wellbeing Checks Policy
Work Instructions	- Access 2023 - Salto 2023 - Access letters 1,2 & 3

10. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
Housing Act, 1996 Landlord & Tenant Act, 1985	Regulator of Social Housing, Consumer Standards	https://england.shelter.org.uk/housing_advice/private_renting/what_to_look_for_in_your_tenancy_agreement/landlord_access