

# HOARDING POLICY

## Contents

- Introduction
- Aims of the Policy
- Scope
- Identifying Hoarding Behaviour
- Approaches to Hoarding
- Management of Hoarding
- Risk Assessment
- Support
- Action Plan
- Clearance of property
- Management Move
- Legal Powers and Duties
- Equality and Diversity
- Review
- 

## **INTRODUCTION**

This Policy has been implemented to deal with the issue of hoarding at properties owned by Brentwood Council. It describes:-

- How Brentwood Council will deal with tenants who display hoarding tendencies.
- The steps that Brentwood Council will take to assist tenants in dealing with the issue.
- The action Brentwood Council will take against tenants who fail to address hoarding issues.

## **Hoarding Definition**

In May 2021, the World Health Organisation recognised hoarding as a distinct mental health difficulty. Hoarding is the excessive acquisition of, and inability to discard, items even though they appear to others to have no value or use. Excessive hoarding may affect day-to-day living and create a potential hazard or nuisance to others as well as to the individual. The causes may be widespread but may form part of other health problems; physical illness, dementia, depression, alcohol and drug misuse, schizophrenia, bipolar disorder, learning disability or obsessive compulsive disorder; however, not all hoarders have mental health issues.

This Policy exclusively deals with hoarding cases where it creates severe deterioration of the tenants' home to the point that it is no longer able to function as a viable living space.

## **AIMS OF THE POLICY**

1. Brentwood Council takes the issue of compulsive hoarding and unsanitary properties seriously and recognises the impact it can have on customers and their neighbours' lives, on our properties and workforce, including
  - Impact on other household members and neighbours;
  - Health and Safety: unsafe and unhealthy living conditions and fire risk;
  - Damage and deterioration of property due to excessive weight on ceilings;
  - Condensation problems due to build-up of belongings around walls; and
  - Being unable to carry out essential repairs and maintenance due to areas being inaccessible or unsanitary.
2. This Policy aims to ensure that issues are dealt with in a supportive, fair and consistent manner, ensuring a flexible approach for tenants with disabilities or vulnerability, complying with current legislation.
3. This Policy will also ensure that cases of hoarding are investigated in a collaborative way and that information on the problems related to hoarding is shared amongst partner agencies, in compliance with data sharing protocols and arrangements. This will enable incidents of hoarding to be dealt with in an evidence based, structured, systematic, co-ordinated and consistent way.
4. This Policy enhances and develops the "informal" multi-agency arrangements in place which maximise the use of existing services and resources and which may reduce the need for compulsory solutions, but ensures that when formal solutions are required, there is a process for planning solutions tailored to meet the needs of the customer.

## **SCOPE**

- This Policy covers all types of tenure within Brentwood Council's housing stock and applies to all staff working for Brentwood Council.
- All staff and contractors that enter a property are responsible for reporting hoarding cases to their Line Manager.
- There is an expectation that all staff will engage fully to achieve the best outcome for tenants whilst meeting the requirements and duties of partnership agencies.

## **IDENTIFYING HOARDING BEHAVIOUR**

### (1) Types of hoarding:-

- Inanimate objects : defined as a collection of a mixture of objects such as old clothes, newspapers, food, containers or papers.
- Animal hoarding : defined as the obsessive collecting of animals, often with an inability to provide minimal standards of care.
- Data hoarding : defined as the collection of data collection equipment such as computers, electronic storage devices or paper combined with a need to store copies of information in an electronic format.

### (2) General characteristics of hoarders:-

- Fear and anxiety
- Excessive attachment to possessions
- Indecisiveness
- Unrelenting standards: hoarders often find faults with others while struggling to organise themselves
- Social isolation and loneliness
- Strong positive feeling after accumulating items
- Embarrassment
- Large number of pets and self-confessed "rescuer of strays".
- Has mental capacity as defined in the Mental Capacity Act 2005 and the Mental Health Act 1983
- Extreme clutter preventing rooms of a property from being used for its intended purpose.
- Churning involving moving items from one part of a property to another without ever

discarding anything.

- Lack of self-care or care of others
- Poor insight: hoarders typically see nothing wrong with their behaviour and fail to recognise the impact it has on others.

### (3) Hoarding insight characteristics

- Good or fair insight: the tenant recognises that hoarding-related beliefs and behaviours are problematic.
- Poor insight: the tenant is mostly convinced that hoarding-related beliefs and behaviours are not problematic and has little self-recognition or acceptance of their own hoarding behaviour.
- Absent (delusional) insight: the tenant is convinced that hoarding-related beliefs and behaviours are not problematic and is completely accepting of their living environment.
- Detached with assigned blame: The tenant has been away from their property for an extended period and has formed a detachment and is convinced a 3<sup>rd</sup> party is to blame (for example; citing a burglary has taken place, squatters or other household members).

Brentwood Council promotes tenancy sustainment and the right for tenants to make individual choices even when this requires tolerance of unconventional lifestyles or where tenants appear to act in ways that are against their best interests.

However, in cases where the tenant displays behaviours that pose a risk or has a detrimental impact on themselves or others, Brentwood Council will, take a graded approach to dealing with the issue of hoarding and will try and work with individuals to identify issues and work towards a resolution.

## **APPROACHING TO HOARDING**

The following approaches will be attempted to ensure tenancy sustainment in accordance with our policies and procedures.

### **Provision of Support**

Brentwood Council will initially provide support from within its own resources. This may include involving care and support staff for tenants who have support packages and increasing the frequency of visits from Housing Officers or Housing Support Officers. This approach may also involve contacting known next-of-kin, advocates, social work departments and support workers for low level assistance where appropriate and with consent of the tenant.

In all cases, prior to making an assessment of the best course of action, cases in which safeguarding issues or suspected hoarding will be escalated to the appropriate manager. In the first instance to the Estates Manager or in cases where a potential threat to life is noted, the Corporate Manager Housing Estates.

### **Referral Approach**

Brentwood Council may involve the use of partnership agencies or departments, including the referral to Health and Social Care Agencies, Essex Fire & Rescue Service, Environmental Health Officers or any other organisation or person that can offer assistance. This may be a single referral or multiple referrals which form part of a multi-agency approach.

### **Enabling Approach**

Brentwood Council may provide clearing and cleaning services and, in some circumstances, a complete “clean start” approach. This approach may involve the tenant being decanted from the affected property for a short period of time. Prior to any work being undertaken, consent is required from the tenant and they would be consulted on the possible costs of the work, for which they will be liable to pay via affordable payment plans

Prior to proceeding with any clearing or cleaning services Brentwood Council will ensure that the tenant as contacted a health professional or other agencies to ensure adequate support is in place throughout the clearing and cleaning process.

## **Enforcement**

If the above actions fail to bring about appropriate improvements, and only as a last resort, Brentwood Council will consider taking legal action to recover possession of the property in accordance with our Tenancy Agreement.

## **MANAGEMENT OF HOARDING**

In all identified hoarding cases the Housing Officer or Housing Support Officer will consult with the Estates Managers to ensure that an objective, sensitive, solution based and non-judgmental approach is adopted.

Brentwood Council will assume that the tenant has mental capacity as outlined in the Mental Capacity Act 2005 and the Mental Health Act 1983 unless an assessment by a relevant professional proves otherwise. In instances where the tenant is deemed not to have capacity, Brentwood Council will ensure the appropriate guardians/advocates are consulted.

Early intervention is essential to tackle any emerging issues by providing the right support at the right time.

## **Visits to the Property**

In cases where it has been identified that a tenant has started to hoard and prior to a visit, the relevant Housing Officer or Housing Support Officer will discuss the matter the Corporate Health & Safety Officer and a risk assessment will be completed. The Housing Officer or Housing Support Officer will arrange a visit to the property and decide the best course of action.

To ensure Brentwood Council obtain an accurate portrayal of the issue, an approved clutter scale test will be used and the tenants will be asked to select a photograph which represents the clutter within their home. In general, hoarding that reaches the level of a Category 7, 8 or 9 would potentially threaten a person's life and, as such, Brentwood Council will encourage the tenant to seek assistance.

## **RISK ASSESSMENT**

If the Corporate Health & Safety Officer identifies that a risk assessment is required, a joint visit will be arranged.

## **Fire Safety**

There are a vast range of risks associated with hoarding. Where a property is identified, regardless of the risk, the tenants will be advised of the increased risk and a safe exit route will be identified. In this regard, advice will be sought from Essex Fire & Rescue Services and a property assessment may be undertaken.

The operational problems for the Fire Service posed by properties with large quantities of hoarding materials include:

- Difficulty in gaining access to property;
- Difficulty in making progress due to walking on top of hoarded materials rather than the ground;
- Difficulty in locating casualty;
- Difficulty in locating Gas and Electricity shut-offs;
- Potential for fires being hotter due to higher than average quantities of flammable materials within the property; and
- Difficulty in applying water to seat of the fire.

Brentwood Council will work with Essex Fire & Rescue Services to identify tenants who display hoarding tendencies by assisting them to:

- Eliminate trailing electrical leads, especially under carpets and through doorways;
- Reduce overloaded sockets;

- Clear doorways to allow doors to close;
- Make utility shut offs accessible;
- Move flammable materials away from heat sources;
- Ensure the smoke alarms are clear from clutter and are working;
- Create alternative escape routes; and
- Manage materials used for smoking.

If a Housing Officer or Housing Support Officer deems it necessary, information may be shared with appropriate emergency services which will allow an appropriate response from an attending crew.

### **Environmental Health implications**

- Hoarding may adversely impact on the hoarder's home environment and also result in infestations and complaints from neighbouring properties.
- Section 83 of the Public Health Act 1936 states that where the 'filthy or unwholesome' condition of premises is 'prejudicial to health' (likely to cause disease), or the premises 'are verminous', Environmental Health shall give notice to the owner or occupier requiring them to take steps to cleanse the premises
- Section 79(1) of the Environmental Protection Act 1990, states that 'any premises in such a state as to be prejudicial to health or a nuisance' or 'any accumulation or deposit which is prejudicial to health or a nuisance' are considered statutory nuisances
- The same section also states that it is the duty of every local authority, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint
- Where a nuisance is found to exist or is likely to occur or recur, the authority has a further duty to serve an abatement notice.
- The Refuse Disposal (Amenity) Act 1978, the Town and County Planning Act 1990 and the Anti-Social Behaviour, Crime and Policing Act 2014 must all be taken into consideration when assessing an individual and property where hoarding is displayed to prevent serious risk of harm to tenants, cohabittees, animals or neighbours.

### **SUPPORT**

1. Where family or friends are already involved, and willing to co-operate, we encourage their assistance, however in doing this we will always comply with GDPR principles. Our priority is to engage with the resident personally, wherever possible.
2. Where the hoarder is already engaging with a support service, we will try to work alongside this existing arrangement. This is important because hoarders can at times be mistrustful of new services intervening.
3. Where the hoarder is not currently engaged, but appears willing to accept assistance, we will:
  - Persevere to find ways to engage with the customer and we will work over a long period of time to get a result;
  - Find the right person who can best engage with the customer – this may not be the person who would normally take the role but an effective relationship where there is trust is essential to getting successful outcomes;
  - set up multi agency meetings early on to determine who has the best engagement and how efforts can be co-ordinated most effectively;
  - Invest in resources as these cases take a disproportionate amount of time compared to other cases. Damage as a result of hoarding can result in costly repair works so preventative work is key and cost effective in the long run;
  - Take a "hands on" approach and work with the customer to physically clear the property;
  - Arrange for items to be collected on the same day as the clearance to ensure the customer does not bring items back into their home; and
  - When a case is resolved, regular check-up visits are needed to ensure the issue does not occur again.
4. Where support is offered but refused, it is important to note this in the case records, as this may be crucial evidence later, if legal action should be required.

## **ACTION PLAN**

The Housing Officer or Housing Support Officer will create an action plan detailing the issue. This will be shared with the tenant and any guardians / advocates. Brentwood Council's emphasis is the provision of support to the tenant and will practice 'Action By Consent' in the first instance. The action plan will outline a realistic timescale for tenants' adherence.

### **Failure of Action Plan**

If the tenant fails to adhere to the action plan and timescale or there is a sudden deterioration of the condition of the property, Brentwood Council will consider the following:

- **Stage 1**  
The tenant will be issued with a written Breach of Tenancy Warning and copies will be shared with guardians/advocates, support agencies, next-of-kin, social work department and support workers. Following the issue of the 1<sup>st</sup> written warning, the Housing Officer or the Housing Support Officer will undertake a home visit to discuss breaches of tenancy.
- **Stage 2**  
If the tenant fails to respond to the 1<sup>st</sup> written warning and the property condition does not improve within the specified timeframe and/or the tenant fails to make a concerted effort to improve the condition of the property, a 2<sup>nd</sup> written warning will be issued. Following the issue of the 2<sup>nd</sup> written warning the Housing Officer or the Housing Support Officer will carry out a further home visit to discuss breaches of tenancy. At this stage consideration will be given as to whether the action plan is being adhered to.
- **Stage 3**  
Where Stage 1 and Stage 2 have failed and it is believed that external agencies no longer have any influence to impose the suggested measures, consideration will be given regarding enforced actions.

Assuming that all mental capacity checks have been completed, a PSED form has been issued and satisfactory progress have not been made to resolve the hoarding issue, Brentwood Council will issue a Notice of Seeking Possession to the tenant to recover the property.

## **CLEARANCE OF PROPERTY**

Brentwood Council will adopt an 'Action By Consent' approach as far as possible. If the condition of the property continues to deteriorate and the tenant fails to cooperate, Brentwood Council may decide to clear and clean the property. Brentwood Council will ensure that any clearing of items from a property is carried out in accordance with relevant legislation.

### **Recharging of Work**

If a decision is undertaken to clear and/or clean the property, Brentwood Council may choose to recharge the tenant for the associated costs of any work undertaken. Each case will be considered on its merits and recharging will adhere to the Council's Recharge Policy. Brentwood Council will assist in contacting charities and other organisations to assist the tenant to gain financial assistance. This may be The Samaritans, church organisations, Mind, Brentwood Mutual Aid, Essex Community Tree, Essex Floating Support Service or charities specifically aimed at hoarding (Help for Hoarders). See Appendix 7.

## **MANAGEMENT MOVE**

In certain circumstance Brentwood Council may consider moving the tenant to alternative accommodation to provide a "clean start". This will be undertaken as part of a managed solution and will require the consent of the tenants.

## **LEGAL POWERS AND DUTIES**

Brentwood Council will always try and work with a tenant to identify a solution to a hoarded property. However, in cases where the tenant is not willing to co-operate, Brentwood Council can serve notice on the occupier.

A selection of the key Acts, duties and powers are included below:

### The Care Act 2014

Please note that this Act does not provide a right of entry.

- Section 6: Co-operation : Brentwood Council should work in tandem with the County Council where appropriate.
- Section 9: Assessing a tenant's needs for care and support : The offer of an assessment should be made as the tenant may have care and support needs.
- Section 42: Safeguarding : Hoarding may qualify as self-neglect and poses a possible safeguarding risk to others. The statutory guidance states "this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It should be noted that self-neglect may not prompt a section 42 enquiry. An assessment should be made on a case-by-case basis. A decision on whether a response is required under safeguarding will depend on the adult's ability to protect themselves by controlling their own behaviour".

### Mental Capacity Act 2005

Please note that this Act does not provide a right of entry.

- Section 4: Best Interests: If a tenant has been assessed as lacking capacity regarding their hoarding, then a Best Interest Decision can be made on their behalf. Depending on the situation, an application may have to be made to the Court of Protection.

### Mental Health Act 1983

There is a power of entry by the police on grant of a warrant if an Approved Mental Health Professional (AMHP) presents relevant information and the Police can enter with the AMHP. There is a strict legal procedure regarding this and only applicable in exceptional circumstances.

- Section 2: Admission for Assessment : This would allow a tenant to be admitted to hospital against their will if:
  - ❖ They suffer from a mental disorder to the degree which warrants their detention in hospital for a limited period of time for the purposes of assessment; and
  - ❖ They ought to be detained for their own protection or the protection of others.

### Homelessness Reduction Act 2017

- Section 175 of the Homelessness Prevention Act 1996 defines that a person is threatened with homelessness if it is likely that they will become homeless within 28 days. The Homelessness Reduction Act 2017 extends the number of days from 28 to 56 and, in addition, tenants who have received a valid notice under section 21 of the Housing Act 1988 and the expiry date is within 56 days, will be treated as being threatened with homelessness. There is a duty on Brentwood Council to ensure that advice and information about homelessness and prevention is available free of charge.
- Brentwood Council would be required to provide or secure the provision of free services to give people in their area information and advice on:
  - ❖ preventing homelessness securing accommodation if homeless
  - ❖ the rights of people who are homeless or threatened with homelessness, and
  - ❖ any help that is available for people who are homeless or likely to become homeless as well as how to access that help.

### Housing Act 2004

This Act allows Brentwood Council powers to inspect housing and enforce repair and works where a significant hazard exists.

### Anti-Social Behaviour, Crime & Policing Act 2014

Allows Brentwood Council to have power to control hoarding where it is likely to have a detrimental effect on the quality of life to others in the locality and Environmental ASB can be issued and breaches are a criminal offence.

### Public Health Act 1936

Section 79: Power to require removal of noxious matter by the tenant and allows the cost to be recovered.

**Section 83:** Cleaning of filthy and/or verminous premises applies where the property is found to be;

- ❖ In such a filthy or unwholesome condition as to be prejudicial to health; or
  - ❖ verminous (relating to rats, mice other pests including insects, their eggs and larvae),
- Then the LA can serve a notice requiring clearance of materials and objects that are filthy, cleansing of surfaces, carpets etc. within a specified time period. This is generally a minimum of 21 days. If not complied with, Environmental Health (EH) can carry out works in default and recover the costs. Appeal provisions are in place.

**Section 84:** Cleansing or destruction of filthy or verminous articles. Any article that is so filthy as to need cleansing or destruction in order to prevent injury to persons in the premises or is verminous. The LA can serve notice requiring the identified article to be cleansed, purified, disinfected or destroyed at their expense. This section is also seldom used, if it were to be used it would be in conjunction with action taken under section 83.

### Prevention of Damage by Pests Act 1949

**Section 4:** Power of LA to require action to prevent or treat rats and mice. Notice may be served on the owner or occupier of land/ premises where rats and/or mice are or may be present due to the conditions at the time. The notice served on the owner or occupier would specify a reasonable period of time in which to carry out reasonable steps to eradicate the rats/mice from the land/premises. This could entail pest control treatment, requirement to remove materials that may feed or harbour them and carry out necessary structural works. The LA may carry out works in default if the Notice is not complied with and charge for this. However, there is no power of entry available under this section, so if refused access to carry out works in default the LA are unable to enter.

### Environmental Protection Act 1990

**Section 79:** Statutory nuisances and inspections are defined in Section 79 of the Act and include the following:

- ❖ any premises in such a state as to be prejudicial to health or a nuisance
- ❖ fumes or gases emitted from the dwelling so as to be prejudicial to health or a nuisance
- ❖ any accumulation or deposit which is prejudicial to health or a nuisance
- ❖ any animal kept in such a place or manner as to be prejudicial to health or a nuisance.

It is the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint. 'Nuisance' means something which interferes with another's land (or more rarely the population at large).

**Section 80:** Summary proceedings for statutory nuisances.

- Where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the local authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements –
- requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;
- requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes;
- and the notice shall specify the time or times within which the requirements of the notice are to be complied with. Appeal provisions are in place. Environmental Health (EH) can also carry out works in default and recharge the costs.

### Equality and Diversity



The Council are aware that some of our residents are vulnerable either through age, mental health, ill health or other circumstances. Where we are made aware of a vulnerable resident, we will comply with the Council's safeguarding policy.

Additional consideration will be given to the timescales for access, types of communication sent and where additional explanation may be required.

- **Review**

- 

- This policy will be reviewed every 1 years to ensure it is updated with current Hoarding guidance and to ensure procedures are relevant. If there have been no current cases, this will be extended to 2 years.