

# Hoarding Policy

## INFORMATION

<b>Policy Name</b>	Hoarding Policy
<b>Effective Date(s)</b>	April 2021 -April 2023
<b>Approved By</b>	
<b>Approval Date</b>	
<b>Policy Owner/Dept</b>	Operations
<b>Policy Author</b>	Licia Inniss, Safeguarding Manager
<b>Review Date</b>	April 2021
<b>Policy Framework Ref</b>	SG3
<b>Version Number</b>	1.0

Your Housing Group Strategic Theme			
<b>Operational Excellence</b>	<input type="checkbox"/>	<b>Customer Experience</b>	<input checked="" type="checkbox"/>
<b>Growth and Financial Strength</b>	<input type="checkbox"/>	<b>People and Culture</b>	<input type="checkbox"/>

<b>Relevant National Standards or Regulation</b>	Please State if the Policy aligns to any of the Regulators Standards: <ul style="list-style-type: none"> <li>• Tenancy Standard</li> <li>• Neighbourhood and Community Standard</li> </ul>
--	--

<b>Relevant Legislation</b>	This policy operates within the context of current Statutory and regulatory legal frameworks in addition to the express contractual terms as set out in the contractual tenancy agreement and is inclusive and not restricted to the following: <ul style="list-style-type: none"> <li>• Prevention of Damage by Pests Act 1949</li> <li>• Mental Health Act 1983 s135</li> <li>• Public Health (Control of Disease) Act 1984</li> <li>• The Children Act 1989</li> <li>• Environmental Protection Act 1990</li> <li>• The Mental Capacity Act 2005</li> <li>• The NHS Act 2006 s82</li> </ul>
-----------------------------	--

	<ul style="list-style-type: none"><li>• The Care Act 2014</li><li>• Anti-Social Behaviour Crime and Policing Act 2014 s(2)(1)c</li><li>• The Regulatory Reform (Fire Safety) Order 2005</li><li>• Health and Safety at Work Act 1974</li></ul>
--	--

## 1. Purpose of the Policy

This Policy sets out how we will respond to cases of hoarding and what customers are expected to do to ensure their own safety and wellbeing:

- To develop an understanding of why hoarding has occurred and to put an action plan in place to help customers manage their environment.
- To have a flexible approach in developing and maintaining our customer relationship where hoarding is identified through action plans.
- To promote and develop how we respond through safeguarding and multi-agency working.
- To work with partners to deliver specialist services for and with our customers who need it.
- To support the maintenance of fire safety and minimise the vulnerabilities of inappropriate storage which could compromise the design of our buildings.

Compulsive hoarding is highly complex and requires a collaborative and integrated approach. This policy will ensure there is meaningful, co-ordinated multi-agency partnership working to effectively deal with customers who hoard.

## 2. Scope of the Policy

This document should be used by all employees, contractors and volunteers of YHG, when appropriate, to understand the obligations placed upon the organisation to maintain a safe environment for their customers and employees within our properties.

## 3. Definitions

YHG recognises that referring to an individual that hoards, as a 'hoarder' can be damaging to the professional relationship and the individual. Throughout this policy the individual will be referred to as the customer or 'an individual with hoarding tendencies' - describing the behaviour as opposed to labelling the individual.

There are three types of hoarding:

- **Inanimate objects:** This is the most common. This could consist of one type of object or a collection of a mixture of objects such as old clothes, newspapers, food, containers or papers;

- **Animal Hoarding:** Animal hoarding is on the increase. This is the obsessive collecting of animals, often with an inability to provide minimal standards of care. The hoarder is unable to recognise that the animals are or may be at risk because they feel they are saving them. In addition to an inability to care for the animals in the home, people who hoard animals are often unable to take care of themselves. As well, the homes of animal hoarders are often significantly damaged by the accumulation of animal faeces and infestation by insects; and
- **Data Hoarding:** This is a new phenomenon of hoarding. There is little research on this matter and it may not seem as significant as inanimate and animal hoarding. However, people who hoard data could still present with same issues that are symptomatic of hoarding. Data hoarding could present with the storage of data collection equipment such as computers, electronic storage devices or paper. A need to store copies of emails, and other information in an electronic format.

Hoarding is considered significant if:

- The amount of clutter interferes with everyday living.
- The clutter is causing significant distress or negatively affects the quality of life of the person or their family – for example, they become upset if someone tries to clear the clutter and their relationship suffers.

There are five diagnostic criteria for identifying a case of hoarding disorder:

- Persistent difficulty with discarding or parting with possessions regardless of their value.
- A perceived need to save items and being distressed when discarding them.
- Accumulation of items/possessions that clutter/block living areas.
- The hoarding causes clinically significant distress or impairment in social, occupational or other areas of human functioning.
- It is not because of another medical condition or mental disorder.

We may come across customers who display one or more of the criteria above. Should this be the apparent, an action plan will be developed, and intervention and support referrals will be considered.

#### **4. Consultation**

Consultation has taken place with the Safeguarding Operational Group, Safeguarding Policy Review Group, Equality and Diversity Group, Trafford Safeguarding Board and the Safeguarding Lead for the Customer Operations Committee.

#### **5. Background and Context**

In extreme cases, piles of clutter can become a health and safety risk and can result in trips, slips and falls. If the home is difficult to clean, living conditions can be unhygienic and can lead to rodent or insect infestations, blocked drains and other problems that may also affect

neighbouring properties. Excessive clutter can also introduce potential fire risk into the property.

Individuals with hoarding disorders may pose a risk to themselves, other household members, residents of communal buildings, neighbours or YHG staff. This Policy recognises that preventative measures must be put in place to reduce health and safety risks to the customer and others as well as to reduce self-neglect and wilful damage to their property. YHG will ensure that referrals are made to appropriate agencies to provide support for the customer and will take enforcement action in connection with any breach of the tenancy agreement or lease agreement.

## **6. Policy Detail**

YHG is likely to become aware of hoarding/clutter issues: -

- During routine and/or planned maintenance works required at the property (gas/electric services, routine repairs or property upgrades)
- When complaints of anti-social behaviour are received; for example, those concerning the presence of vermin or clutter in outside spaces
- When reports of welfare concerns from family members/anonymous/external services or neighbours are received
- When we are unable to gain access to a property for a routine inspection or other issue.

It is common that once any issues of hoarding have come to YHG's attention the situation is likely to be severe, resulting in breaches of the tenancy agreement. Staff will raise awareness of any breaches with the customer and will take appropriate action following the Hoarding Procedure.

YHG recognises that each case is different in terms of the type and extent of items hoarded, the risk, and the reasons behind the hoarding. We therefore use a combination of intervention and enforcement measures, including support to tackle the hoarding. Dealing with such cases is complicated and time consuming. However, YHG takes action to ensure we get an outcome which is positive and sustainable for our customers, although in some cases we acknowledge that there may be a requirement for repeat action.

There will be times when the impact of the hoarding tendencies on the person's health and well-being or their home conditions or neighbours' environmental conditions are of such serious concern that staff may need to consider what legislative action can be taken to improve the situation when persuasion and efforts of engagement have failed.

Possible legislative remedies are outlined in the Legal Options below. All legal routes would need to be considered in consultation with legal advice and the options outlined are for information only. Proportionality assessments and pre-legal checklists should be completed before the commencement of any legal action.

Issues with hoarding/clutter can generate complaints of anti-social behaviour and these will be managed in line with the ASB and Hate Crime Policy or Complaints Policy if more appropriate. Complaints may include those relating to untidy gardens, unwelcoming odours from the property or infestation of vermin.

### **Mental capacity**

Consideration needs to be given at an early stage to mental capacity, to determining if the customer has the mental capacity to understand and make informed decisions regarding the concerns around their apparent hoarding behaviour.

The Mental Capacity Act applies to everybody who has dealings with people who may lack capacity, and particularly if they have a professional relationship with the person.

We will comply with the requirements set out in the Mental Capacity Act 2005 and will consider the Act's five key principles during interactions with customers:

- **A presumption of capacity** – every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise
- **Supporting individuals to make their own decisions** – a person must be given all practicable help before anyone treats them as not being able to make their own decisions
- **Unwise decisions** – just because an individual makes what might be an unwise decision, they should not be assumed to lack capacity to make that decision
- **Best Interests** – an act done, or decision made under the Act for or on behalf of a person who lacks capacity must be done in their best interests.
- **Least restrictive option** – anything done for or on behalf of a or her own decisions and must be assumed to have capacity to do so.

We will take the opportunity to confirm capacity when appropriate (eg.at tenancy sign up, review and termination; during arrears discussions, anti-social behaviour incidents and complaints).

We will carry out an assessment when a person's capacity is in doubt, either because their behaviour causes concern about lack of capacity or because they have been diagnosed with an impairment or disturbance that affects the way their mind or brain works.

### **Intervention & Support**

We will identify customers who may be hoarding, by using the Clutter Image Rating Scale see Appendix 1.

Where customers display behaviours that pose a risk or have detrimental impact on not only themselves but others around them, we will in most cases take a graded approach to intervention. We will use the Clutter Image Rating Scale to assess the degree of hoarding, to provide a measured response to the issue dependent upon its severity.

Each case will be assessed on an individual basis and responses will be appropriate to the circumstances of the person involved. Sometimes it may be necessary to take steps out of sequence for a tailored and person-centred response.

Very often supportive action can assist an individual with hoarding tendencies in addressing some of the behaviours. Staff should always explore what support is required and make the necessary referrals.

Where a person with hoarding tendencies 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.

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.

### **Partnership Working**

When seeking to engage with a person with hoarding tendencies, we will need to take into consideration the safeguarding guidance under the Care Act 2014, YHG will work in partnership with Adult Social Care and any other relevant services to help protect vulnerable people from abuse or neglect.

The Care Act 2014 replaced previous laws to provide a clear approach to adult social care. It is expected that local authorities, health care and housing providers must take steps to prevent, reduce or delay the need for care and support.

The Act formally recognises hoarding as self-neglect and as such Housing Associations have an ongoing obligation to make safeguarding referrals and can request an assessment pursuant to section 9 of the Care Act.

The Care Act states, where it appears to a local authority that an adult may have needs for care and support, the authority must assess

- (a) whether the adult does have needs for care and support, and
- (b) if the adult does, what those needs are

We will work with internal and external teams and partners to ensure our approach is robustly implemented to ensure risk is reduced, opportunity for our customers to improve their living environment is increased, and the relevant agencies increase capacity for the customer to remain independent, resilient and safe in their own home.

YHG will work with a range of services such as social cares, community mental health teams, the Fire Service, environmental health service and any other relevant person/ agency as required.

Where there is evidence of self-neglect, a referral will be made in line with YHG's Safeguarding Policy.

Information sharing across all relevant agencies (subject to appropriate information sharing protocols) is crucial so that all agencies involved better understand the extent and impact of the hoarding tendency to work together to support the individual and assist them in reducing the impact on their wellbeing and on others. Multi-agency meetings to share information should be considered in complex cases, where there are significant risks so they can be understood, and the risk can be appropriately managed. Wherever possible the person themselves should be included in the meeting along with significant others and an independent advocate where appropriate.

### **Tenancy Enforcement**

There are a variety of tools and powers that can be used to address and deal with tenancy breaches. However, it is understood that there are no "one size fits all" solutions. YHG will liaise with experienced practitioners to achieve the best possible result in any given case.

A twin track approach to hoarding should be taken to address the support needs of the customer to enable them to bring the property back to an acceptable standard but to also address the reasons for hoarding.

Where there is a problem with gaining access to the property to fulfil our legal obligations or where it has been identified that there is a health and safety risk which could have a detrimental effect on the individual themselves or others, we will take the necessary steps to gain access. Any costs incurred in achieving this may be recharged to the customer.

The customer may also be recharged for any damage related to the property that has been caused by neglect and / or wilful damage. This will be dealt with in line with the YHG Recharge Policy.

### **Legal Options**

The **Housing Act 1988** Schedule 2 Grounds for Possession Gr 12, 13 & 14 sets out the following;

**Ground 12:** Any obligation of the tenancy (other than one related to the payment of rent) has been broken or not performed.

**Ground 13:** The condition of the dwelling-house or any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the customer or any other person residing in the dwelling-house and, in the case of an act of waste by, or the neglect or default of, a person lodging with the customer or a sub-customer of his, the customer has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-customer. For the purposes of this ground, “common parts” means any part of a building comprising the dwelling-house and any other premises which the customer is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses in which the landlord has an estate or interest.

**Ground 14:** The customer or a person residing in or visiting the dwelling-house— (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, (aa) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions, or (b) has been convicted of—(i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or (ii) an indictable offence committed in, or in the locality of, the dwelling-house.

It is imperative that appropriate and due consideration is given to **s15 of the Equality Act 2010**, to ensure no form of discrimination arises from a disability, or that a person is treated unfavorably because of something that arises due to the persons disability. However, it can be shown that the treatment is a proportionate means of achieving a legitimate aim.

Proportionality assessments and pre-legal checklists must always be completed prior to any form of legal action being sought.

Legal options are not just restricted to Possession Action but can include other judicial interventions such as:

### **Injunctions**

A customer must have mental capacity to understand the terms of an Injunction and so an Injunction is only useful where the customer can control their behaviour and comply with the terms of the injunction. In such cases, a proportionality and pre legal checklist should be completed prior to any application being made. This will be very important as breach of Injunction can lead to the contempt of Court and thus can lead to a substantial prison sentence.

### **Court of Protection (COP)**



The COP has jurisdiction over the property, financial affairs and the personal welfare of people who lack mental capacity to make decisions for themselves. YHG can make an application to the COP for a deputy to be appointed when an individual is incapable of making decisions. There are a wide range of remedies, including the deputy granting authority to access the current accommodation for inspection and/or for clearance or removal to storage.

## **Local Authorities**

Have statutory powers, including for example:

- Issuing an Abatement Notice under the Environmental Protection 1990 if a Statutory nuisance is caused.
- and/or an Action under the Public Health Act 1936.
- These are actionable through the Magistrates Court and can be adduced as evidence in the Civil Court if so necessary.

## **7. Responsibilities under this Policy**

Responsibility for the execution of this policy rests with all staff. YHG has operational staff that visit customers and their households at home.

Staff will identify any risks to the customer, their household, visitors or neighbouring properties and act in accordance with the severity of risk.

This will include identifying any issues that arise when properties are cluttered or are being used to hoard large amounts of possessions or animals and reporting them directly on Datix.

Housing Management staff will raise awareness of any breaches with the customer/s and will take appropriate action following the Hoarding Procedure.

Customers are responsible for the behaviour of members of their household and are required to comply with the terms and conditions of their tenancy agreement.

## **8. Risk Management**

People with hoarding tendencies can accumulate volumes of rubbish or clutter leading to unsafe and unhygienic conditions to the property which can impose a significant health and safety and fire risk.

Where there is a risk to the Health, Safety & Wellbeing to customers, contractors, staff and/or the public due to the customers hoarding tendencies, YHG will carry out works to return the property to a safe standard. The customer will be charged for all works carried out in relation to this that fall outside the landlord's legal obligations. An example of this could be the elevated risk of fire and blocked access routes, as well as the increased risk of vermin or damage being caused to the property. This will also apply if contractors are unable to gain safe access to a property to complete repairs, planned works or carry out

statutory & legal inspections (i.e. Annual Gas Safety checks, Legionella, etc.). This list is not exhaustive.

## **9. Data Protection, Record Storage and Retention**

YHG recognises that confidentiality is important to customers and will treat all information relevant to each customer in the strictest confidence. All Customer data will be managed in line with the requirements of the Data Protection Act 2018 and in line with any General Data Protection Regulation requirements.

## **10. Equality and Diversity**

YHG will tailor its services to meet the diverse needs of individuals. The aim will be to foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality. All action taken by us will be in accordance with the requirements of current legislation. An equality impact statement will be considered and completed.

On request, YHG will provide translations of all its documents, policies and procedures in various languages and other formats by contacting YHG.

An Equality Impact Assessment has been conducted on this Policy.

## **11. Communication**

All staff will be required to read the policy. This will be done through the mandatory reads section of Youggle. Details of the policy will also be cascaded by managers to staff without access to Youggle. Safeguarding Training will also refer to the policy.

## **12. Learning and Development**

Training on Hoarding is available as part of training on Safeguarding. YHG is committed to have arrangements in place to ensure effective training of all staff. YHG expects all their staff to be trained in children and adult safeguarding at level 1. Further levels of training will be determined by the responsibilities set out in job descriptions/role functions and described within the YHG Safeguarding Training Framework. The Safeguarding Training Framework is designed to provide the approach for Safeguarding training for YHG. Its aim is to ensure that all staff working with children and/or adults are alert to the need to safeguard and promote the welfare of children and adults and are appropriately skilled and competent in carrying out their responsibilities for safeguarding appropriate to their role.

## **13. Performance Management of this Policy**

Hoarding related incidents will be reported on Datix and data will be gathered in line with the Annual Safeguarding Report.

#### **14. Review of this Policy**

YHG will review the Hoarding Policy every 2 years, or sooner if required by statutory, regulatory or best practice requirements or the need to update following reviews of other Group wide policies.

The Policy will be reviewed by the Risk & Compliance Group.

#### Appendix 1

**The purpose of this tool is to gauge the impact of hoarding on the person with the hoarding tendencies. This is used in conjunction with the hoarding assessment tool, as detailed in the Hoarding Procedure.**

# Clutter Image Rating: Living Room

Please select the photo below that most accurately reflects the amount of clutter in your room.



1



2



3



4



5



6



7



8



9

## Related Documents

Document Type	Name
<b>Connected Policies and Procedures</b>	This policy is consistent (where relevant) with YHG's current policies, specifically: <ul style="list-style-type: none"><li>• Assured Shorthold Tenancy Policy</li><li>• ASB Hate Crime Policy 20</li><li>• Health &amp; Safety Policy</li><li>• Safeguarding Policy 21</li><li>• Starter Tenancy Procedure</li></ul>
<b>Forms and Letters</b>	
<b>Leaflets/Publicity Material</b>	
<b>Training Materials Available</b>	
<b>Intranet/ Website Page</b>	

## Version Control

(To be completed by the Research and Policy Manager)

<b>Policy Name:</b> Hoarding Policy	
<b>Version No:</b> 1.0	<b>Effective Date:</b> April 2021
<b>Status:</b> Partial Review (please delete as appropriate)	
<b>Previous Policy Name (where appropriate)</b> N/A	
<b>Brief Summary of Changes from Previous Version:</b> Policy updated to new template with details of training, communication and data protection added.	
<b>Internal Consultation Group:</b> Safeguarding Group, Safeguarding Policy Group	<b>Customer Consultation:</b> <input type="checkbox"/>
	<b>Date of Customer Consultation:</b> N/A
	<b>Customer Consultation Brief Details:</b> N/A
<b>Link to Consultation Document(s):</b> N/A	
<b>Date Initial Equality Impact Assessment Undertaken:</b>	<b>Full Equality Impact Assessment Needed?</b> No
<b>Reason for Decision:</b> Policy is update rather than full review. This is in line with the E&D Policy	
<b>Date Full Equality Impact Assessment Undertaken:</b> N/A	
<b>Brief Outline of any Changes Recommended from EIA:</b> N/A	
<b>Link to EIA:</b>	
<b>Data Protection/ GDPR Implications:</b> <input checked="" type="checkbox"/>	
<b>Brief Outline of Data Protection/GDPR Implications:</b> Information sharing across relevant agencies (subject to appropriate information sharing protocols) takes place so that all agencies understand the extent and impact of the hoarding tendency to work together to support the individual. YHG policy and procedures on data protection are followed as part of the policy.	
<b>Legal Implications:</b> <input checked="" type="checkbox"/>	<b>Legal Panel Consulted:</b> <input type="checkbox"/>
<b>Risk Implications:</b> <input checked="" type="checkbox"/>	<b>Risks Logged on Datix:</b> <input checked="" type="checkbox"/>
<b>Resource Implications</b>	<b>Date:</b> Ongoing
<b>People:</b> <input type="checkbox"/>	<b>Finance:</b> <input type="checkbox"/>
<b>Asset:</b> <input type="checkbox"/>	<b>Other:</b> <input type="checkbox"/>
<b>Brief Summary of how Resource Implications have been addressed:</b>	
<b>Mandatory Read?</b> <input checked="" type="checkbox"/>	<b>If yes, please state which staff this is mandatory for:</b> All Staff
<b>How will communication on this Policy take place?: (please delete as appropriate)</b> Intranet/ YHG Website/ E-Learning/ Email/ Face to Face Training	
<b>Policy Owner: (Department)</b> Operations	<b>Policy Author:</b> Licia Innis, Safeguarding Manager
<b>Policy Checked by:</b>	<b>Date:</b>
<b>Policy Signed Off By: (service manager or sponsor):</b>	<b>Date:</b>
<b>Policy Approved By:</b> Risk and Compliance Group	<b>Date:</b>
<b>Review Date:</b> Planned for April 2021	