

# Hoarding

*Circle Housing offers greater opportunities for independent, affordable and secure living to people in housing need.*

## 1 Scope

- 1.1 This policy applies to Circle Housing. For the purposes of this policy, Circle Housing includes all Circle Housing Registered Providers (RPs) and Centra Care and Support.
- 1.2 This policy applies to all our residents who are general needs tenants as well as our Centra Care and Support customers and those who live in our supported or sheltered housing schemes.
- 1.3 This policy does not apply to leaseholders, shared owners or tenants in intermediate, key worker or market rent properties, although, where possible we will signpost these residents to support and assistance. However, where their hoarding poses a risk, we will take legal action as outlined in this policy.
- 1.4 This policy should be used as a guideline as each individual hoarding case will have varying circumstances. Staff should take appropriate action after the careful assessment of each case in consultation with relevant authorities.

## 2 Policy

- 2.1 Hoarding is a complex condition that can have a destructive impact on the life chances of our residents. As a group of responsible social landlords, we will take a non-judgemental approach which balances the needs of the individual with the severity of the impact their hoarding has on them, the property and other residents.
- 2.2 Not only can hoarding affect an individual's safety and wellbeing, it can also pose wider fire and health and safety risks to the neighbourhood too. Where the health and safety of the individual, other residents or staff is at risk, we will take action in a timely way (which may include legal action) to ensure our properties are safe.
- 2.3 We understand that compulsive hoarding is a recognised mental health disorder and that hoarding behaviour can put a tenancy at risk. Therefore, we will support residents to manage these risks and sustain their tenancy with us.
- 2.4 To do this, we are committed to working jointly with statutory services such as social services, GPs, community mental health teams, local fire services and voluntary sector organisations. Generally, social services will be the lead agency in hoarding cases.

## **Defining hoarding**

2.5 We use the following definition of hoarding because it focuses on the impacts it has in a housing context:

‘hoarding is... the excessive collection and retention of any materials to the point that it impedes day-to-day functioning and creates a hazard or a potential hazard for the individual.’ (Frost and Gross; 1993)

2.6 Generally, hoarding issues are long-term and may never be fully resolved. However, the impacts of hoarding can be managed to help people sustain their tenancies.

## **Medical Condition**

2.7 The most recent Diagnostic and Statistical Manual of Mental Disorders (DSM-V, 2013) recognises ‘Hoarding Disorder’ as an independent condition for the first time.

2.8 Hoarding is also associated with other mental health conditions such as Obsessive Compulsive Disorder (OCD), anxiety, Diogenes syndrome and depression.

## **Characteristics of hoarding**

2.9 Anything can be hoarded. However, commonly hoarded items include but are not limited to:

- old clothes
- newspapers or magazines
- bills, receipts or letters
- food containers
- animals
- medical equipment
- collectibles.

2.10 Hoarding does not always take place inside someone’s home. We will also take action where the hoarding is in a garage, garden, communal area or drive.

2.11 Hoarding is substantially different to the act of collecting and also from any general ‘clutter’ and ‘mess’ in a property. The main difference is that hoarders have strong sentimental attachments to their objects.

2.12 Although medical treatment is available to tackle some cases of hoarding, it can be challenging to treat because many people who hoard lack insight into the risk their hoarding is to themselves, their environment or other people.

## **Taking action**

- 2.13 Hoarding becomes a significant problem for social landlords when its impact means that the resident is in breach of, or is likely to be in breach of their tenancy/ licence. We will always take action when we become aware that hoarding is taking place but the action we take will depend on the type of risk posed.
- 2.14 Where the hoarding poses a fire or health and safety risk, we will take immediate action to reduce the risk.
- 2.15 When at least one of the following occurs, we will take further action to deal with the case:
- a hazard or a potential hazard (including fire, health and safety, smell or vermin) is created for the resident, those living in the property or other neighbours
  - the resident's day-to-day functioning is impeded – for example, they are unable to use the kitchen or bathroom and cannot access rooms
  - the impact of the hoarding is negatively affecting neighbours or has been reported as anti-social behaviour.
- 2.16 However, it is vital that staff do not make assumptions about the causes of the hoarding and maintain a non-judgmental approach to the situation.

## **3 Managing Risk**

- 3.1 We take a risk-based approach when responding to hoarding and will consider the risk on the individual, others in the property, neighbours and staff visiting the property.
- 3.2 Keeping our customers and communities safe is our first priority. Where hoarding means that one of our homes has become unsafe, we will take immediate action.

### **Fire Safety**

- 3.3 Hoarding may pose a significant fire risk to the hoarder's property and neighbouring properties, particularly in blocks of flats. It also significantly increases the severity of risks if a fire were to occur, due to a possible increased load risk in property and a lack of escape routes.
- 3.4 Where we are aware of a hoarding case which presents a high fire risk, the relevant documents must be logged on the appropriate database, stored with other fire safety documentation in the property (where appropriate) and monitored until the fire risk has been resolved.
- 3.5 We will always seek to promptly inform the local fire brigade where we become aware of a hoarded property which poses a high risk to health and safety. In these cases, we will fully explain why we must do this to the resident.

- 3.6 We aim to arrange a visit with the local fire brigade to every hoarded property to focus on fire safety issues to help the resident understand the risks which the hoarding poses. Fire services can also offer items such as smoke and carbon monoxide alarms.
- 3.7 We will not allow the storage of any items in communal areas and will take enforcement action where they are not removed. This includes hoarded items in the communal area.
- 3.8 There may be cases where the risk assessment indicates that the fire risk is so significant that immediate action is necessary. In these cases, it may be appropriate to escalate enforcement action to ensure that the property remains safe.

### **Infestation**

- 3.9 In some cases, where the resident in the hoarded property refuses to deal with an infestation, we can take action and then recharge them for this.
- 3.10 Where an infestation from the hoarded property spreads to a neighbouring property which we own, it may be our responsibility to deal with the infestation in that property.

### **Safeguarding Children**

- 3.11 Growing up in a hoarded property can put a child at risk by affecting their development and in some cases, leading to the neglect of a child.
- 3.12 The needs of the child at risk must come first and any actions we take reflect this. Therefore, where children live in the property, a Safeguarding Children alert should always be raised.

### **Safeguarding Adults**

- 3.13 In most authorities, hoarding is not usually considered as a Safeguarding Adults issue. However, in some cases the risk of harm that it may present could mean that these procedures need to be initiated.
- 3.14 We will raise a full Safeguarding Adults alert with the local authority if the hoarding case meets their safeguarding criteria.
- 3.15 In some cases, hoarding behaviour could also be an indicator of current safeguarding concern or indicate that the resident is an 'adult at risk'. Staff should always consider if there is a safeguarding adults perspective when working with a person who is hoarding.
- 3.16 An 'adult at risk' may also be living with the hoarder in the property. There may be a safeguarding concern about that adult if they are at risk of harm due to the living circumstances.
- 3.17 If in doubt, discuss the issue with a manager or local authority or raise an initial Safeguarding Adult Alert.

## 4 Responding to Hoarding Cases

- 4.1 We will always take action when we are alerted to a hoarding case. Where a complaint has been made by a neighbour(s), we will react sensitively and proportionately. We will provide an initial response in line with our response times.
- 4.2 We understand that no two hoarding cases are the same. In all cases, we will try to discuss the situation directly with the individual. It may be appropriate for an individual 'lead' officer to create and sustain contact and trust with the hoarder.
- 4.3 Where the resident refuses to discuss their situation with us, we will document the attempts we make to contact them. On these occasions, we will try to make contact with their GP or next of kin.

### Animal Hoarding

- 4.4 All residents must seek our permission before getting a pet and we will take action to prevent animal hoarding and the neglect of animals.
- 4.5 Animal hoarding involves keeping large numbers of animals as pets without having the ability to properly house or care for them. In many cases, this leads to suffering and even death of the animals.
- 4.6 Compulsive animal hoarding is the cause of many severe health risks that threaten the hoarded animals, individuals living in hoarded properties, and neighbours living nearby.
- 4.7 Therefore, we will take prompt action on every occasion we become aware of animal hoarding. In every case of animal hoarding, we *must* report the incident to the RSPCA immediately, who will investigate the case.

### Self-Neglect

- 4.8 Self-neglect arises from a complex interplay between mental, social, physical and environmental factors. Hoarding can be an indicator that a person is suffering from self-neglect or hoarding behaviour can lead to self-neglect if extreme clutter limits the individual's ability to maintain proper hygiene or conform to care and/or medical plans.
- 4.9 Local authorities currently take different positions on issues of self-neglect. Some require cases to be referred to them as safeguarding referrals, whilst some do not. Managers should make sure that they are aware of the relevant local authority's position.

## Vulnerability

- 4.10 In all hoarding cases, the responsible member of staff should consider whether the resident is vulnerable and/or has individual support needs.

## 5 Risk Assessment

- 5.1 We will carry out a full risk assessment to assess the extent of the hoarding risk in the property. This must be accompanied by photographic evidence. The Clutter Image Rating Document must be used if the resident refuses permission for photographs and can be helpful during the risk assessment too.
- 5.2 A manager must review the assessment (where appropriate with an ASB manager) to decide on the best way to proceed. Although each case should be looked at individually, the following levels provide an overall framework to work within:
- **Low level:** acceptable risk, signpost to external agencies and monitor case
  - **Medium level** (may include damage to property or need major works or pest control): involve other statutory agencies and monitor case
  - **High level** (includes any fire risk, animal hoarding, safeguarding concerns, no access for gas safety inspection): involve other statutory agencies immediately and consider enforcement action.
- 5.3 If the hoarder is in imminent danger because their hoarding poses a significantly high risk (and in all cases of animal hoarding), we will take immediate action. This includes contacting statutory health and social services to initiate a multi-agency approach as soon as possible.
- 5.4 We will make every effort to ensure support is available to the resident. We will maintain regular contact with them along with other support agencies.
- 5.5 The risk assessment must be reviewed as a minimum on an annual basis, but more regularly if the risks are high.

## Damage to the property

- 5.6 The lead officer and a member of our regional property team should inspect the property to ascertain whether any damage has been caused, particularly where access has not been given and a large amount of work is necessary.
- 5.7 We may also conduct a survey after the property has been cleared to assess whether any adaptations can be introduced to support the resident.

## **6 Working with others**

### **Health Services**

- 6.1 Treatment options are sometimes available for hoarding, but only if the individual makes a self-referral. In all cases, we will encourage our residents to contact their GP. In high-risk cases, we may decide to contact the GP ourselves where we have been provided with this information.
- 6.2 Where appropriate, we will make a referral directly to the local community mental health team. Where the resident begins to receive support from the team, we will work jointly with them to bring into play a combination of enforcement and support, recognising that this approach can help the resident to take the necessary steps to de-clutter their property and sustain their tenancy.
- 6.3 In all cases of medical emergencies, we will follow our procedures to ensure that the relevant health services can enter the property.

### **Social Services**

- 6.4 Where we cannot raise a safeguarding alert, we will still engage with social services to ascertain whether the resident is already known to them or is already receiving their support.

### **Environmental Health**

- 6.5 Environmental Health can be a critical partner for tackling hoarding and have a number of enforcement tools aimed at the landlord to tackle hoarding.
- 6.6 However, involving them from the outset can mean that a more joined-up focus is put on finding long-term solutions.

### **Other Support**

- 6.7 We also understand that hoarders have strong attachments to their objects and may need time to de-clutter their properties. Research shows that simply deep-cleaning the property, without offering ongoing support to address the hoarding issue, is not effective for either the landlord or the resident because the situation often builds up again within a few months.
- 6.8 Therefore, we will always seek the resident's agreement before de-cluttering or deep-cleaning the property, unless they continue to refuse to engage with us and by doing so are putting their tenancy at risk. We will set realistic timescales for the property to be cleared, which take into account the level of risk posed by the hoard.
- 6.9 In most cases, we will co-ordinate clearance through social services or where we incur costs, we will recharge the resident for the works.

- 6.10 We will also work closely with partners, including floating support, tenancy sustainment and advocacy services who can provide specialist advice and support during the de-cluttering process.

### **Re-housing**

- 6.11 In some cases and where there is availability, we may agree with the resident to move them to another property (where available), which may present less of a risk.

### **Supporting neighbours**

- 6.12 We understand that in some cases, the impact of hoarded properties and gardens can affect the wellbeing of neighbours. We are committed to work with residents to encourage stronger communities and neighbourhood wellbeing.
- 6.13 Where a hoarded property poses a significant health and safety or fire risk to neighbouring properties, we will take enforcement action as outlined below.
- 6.14 It is important to remember that other residents affected by hoarded properties may be vulnerable. We will respond sensitively to address their concerns. This may include referrals to other support agencies, regular contact with the lead officer and notification of timescales for resolution.

## **7 Data Protection**

- 7.1 Under the Data Protection Act 1998, we all have the responsibility to ensure that personal information is processed lawfully and fairly.
- 7.2 All customers have a right to view any information held about them by us. Staff should consider this when documenting information to ensure it is recorded in a neutral way.
- 7.3 There are rules on when and how we can share data. However, we will ensure that where we do decide it is appropriate to share information about hoarded properties with local fire brigades, we have information sharing agreements in place with them and that the information is transferred in a secure format.

## **8 Enforcement Options**

- 8.1 It is vital that in all hoarding cases, clear and accurate records are kept. These must detail:
- contact with the resident, including: any repair call outs and dates when access was refused, fire safety checks and logs etc
  - the initial report(s)/referral(s)



- evidence of no improvement in or of deterioration in the condition of the property at each visit, supported by photographic evidence
- the effect on neighbours
- contact with other agencies such as social services, community mental health teams and other housing providers to address the problem.

### **Accessing Customers' Properties**

- 8.2 Where the resident continues to refuse to engage with us and does not provide access for essential health and safety checks such as Gas Safety and Electrical Safety, we will take immediate enforcement action to gain access to property to fulfill our landlord duties.
- 8.3 Where we do access a property, but its condition makes it unsafe for works to be carried out, we will work with the resident to de-clutter the property. However, where they will not do this, we may use enforcement action to carry out the health and safety checks or repairs.

### **Environmental Health Notices**

- 8.4 We will respond to Environmental Health Notices in the timescales set out and work with the resident to carry out the steps required in the statutory notice. In some cases, this may mean taking enforcement action under the terms of the tenancy agreement.

### **Breach of Tenancy**

- 8.5 Where we have made sustained attempts to support the resident and they will not engage with relevant agencies, we will consider enforcement action for breach of tenancy.
- 8.6 We will also take enforcement action where there is a significant health and safety or fire risk. However, even where we do take enforcement action, we must continue to offer support to the resident to clear their property.
- 8.7 A senior manager must decide what enforcement action is most appropriate on a case-by-case basis. In some cases, legal advice should be sought. We reserve the right to take the action we consider to be most appropriate.

### **Breach of Lease**

- 8.8 Where we take action against a leaseholder/ shared owner, we will check the terms of the lease and where appropriate, we will consider enforcement action for breach of lease.

### **Injunctions**

- 8.9 When the hoarding poses a high risk to health and safety or access is needed to carry out works, we can use an injunction. Examples where we would use an injunction include:

- to force the tenant to clear their property
- to allow us or social services to enter the property to do a clean up or allow access for a gas safety check.

8.10 If the tenancy agreement gives the landlord the right of access, this can be enforced by applying to the county court for a mandatory injunction to compel them to abide by the terms of the tenancy. However, if there is a real possibility that the person will lack the capacity to understand or comply with an injunction, we cannot go ahead with this.

8.11 In many cases the resident's attachment to their belongings is so strong that it is unlikely they will adhere to the terms of an injunction requiring them to discard their belongings or clear their property. Therefore, an injunction may be more effective to carry out repairs or improvements to the property.

### **Possession**

8.12 We could take action using Grounds 1, 2 or 3 for secure tenancies or Grounds 12, 13 or 14 for assured and fixed term tenancies. We will only consider possession proceedings as a last resort and are committed to preventing unnecessary evictions.

8.13 Our new tenancy agreements include a clause which prohibits hoarding in our properties. This clause can be enforced.

8.14 If a resident is vulnerable or disabled then we must take extra care to ensure that seeking possession is a proportionate means of achieving a legitimate aim and that we have explored all other avenues beforehand. The senior manager should consider whether the resident needs any extra help or support to resolve the situation or find alternative accommodation.

8.15 The senior manager should consider the individual's hoarding on the reasonableness of the proceedings, whether proceedings are proportionate and ensure that where the resident has a disability, the Equality Act is considered.

8.16 Relevant factors that the court will consider include: the condition of the property, whether we had previously cleared it (and how many times), how long the problem has persisted, what efforts we have made to engage with the resident, what support has been provided and the impact on neighbours.

### **Mental Capacity Act**

8.17 If a resident's behaviour is caused by a lack of capacity to make decisions regarding their belongings, it is unlikely an injunction or possession proceedings will be successful as they may not be able to comply with the terms or order.

8.18 We will always presume that someone has capacity, unless proven otherwise. Capacity is decision, issue and time-specific. This means that an individual may have capacity in some areas of their life, but not others. For a hoarder, lack of capacity may be indicated by the levels of attachment to the hoard and their insight into their situation.

- 8.19 Where an officer does not believe that the hoarder has capacity to comply with the terms of their tenancy in relation to hoarding, they should request an assessment is carried out by social services. We will never issue proceedings without permission of the court or take any step in proceedings except for issuing a Claim Form or seeking the appointment of a 'Litigation Friend'.
- 8.20 Where a person has been deemed not to have capacity by the court, the Mental Capacity Act permits someone to act in their best interests (a Litigation Friend). It does not allow the person to be moved to another property without the court's permission or allow the landlord to gain access to the property to carry out repairs.
- 8.21 Legal advice must be sought before issuing any court proceedings in such cases.

### **Court of Protection**

- 8.22 The use of the Court of Protection has been useful in hoarding cases, where the individual does not have capacity as they can make decisions on behalf of people who are unable to make decisions about their personal health, finance or welfare.
- 8.23 Where an officer is seeking to use the Court of Protection, they must consult with social services, the community mental health team and the NHS mental health team before making the application to identify what support can be given and how the case should progress.
- 8.24 Recent examples have shown that applications to the court can authorise landlords to:
- enter the property to clean, clear or carry out repairs, even giving authority for the resident to be moved out of the property temporarily to carry out the works.
  - identify alternative accommodation for the resident on a temporary or permanent basis
  - enter the property to carry out inspections or safety checks
- 8.25 Please seek legal advice before issuing any court proceedings in such cases.

## **9 Diversity and Inclusion**

- 9.1 At Circle Housing, we have adopted diversity and inclusion as core values and place all our policies in the context of the following objectives:
- ensuring that all our residents and staff are treated with dignity and respect
  - ensuring that the opportunities we provide for learning, personal development and employment are made available on a non-discriminatory basis
  - providing a safe, supportive and welcoming environment for staff, residents and visitors



- 9.2 We seek to be a genuinely inclusive organisation and our aim is to integrate diversity and inclusion in all aspects of our day-to-day activity.
- 9.3 We are committed to supporting residents and staff access information in a way that suits individual needs. Please get in touch with your local office to discuss this.
- 9.4 We welcome text relay calls. Residents should dial 18001 first and then the number that they require.